

Senate Links Secret Phone To Flogging

Mysterious Number Said To Be T. C. I. Private Line At Birmingham

WASHINGTON, Jan. 15.—(AP)—Senate investigators used a hitherto mysterious telephone number today to link the Tennessee Coal, Iron and Railroad Company with a national guard officer whom an Alabama flogging victim had identified as one of his assailants.

The number, Birmingham 3-2664, had bobbed up repeatedly as the Senate civil liberties committee sought details of the abduction and flogging of Joseph S. Gelders, Southern representative of the national committee for the defense of political prisoners.

Officials of "T. C. I." as the company, subsidiary of U. S. Steel, is known in Alabama, were asked yesterday if they were familiar with the number. They said they had no knowledge of it. One of them was Borden Burr, T. C. I. counsel who introduced Alfred E. Smith at the famous Liberty League dinner a year ago.

Chairman LaFollette produced today a letter from the telephone company at Birmingham, saying it was the number of an unlisted telephone in the T. C. I. offices and a witness told of using it repeatedly to reach Capt. Walter J. "Crack" Hanna, the officer in question.

Previous testimony had been that Hanna was "supposed to be connected with T. C. I." as a special investigator in labor matters. An investigator for the State police who handled the Gelders case attributed failure to obtain an indictment of Hanna to fear that it might antagonize the T. C. I. Company.

Yelverton Cowherd, Alabama attorney, and today's principal witness, told of a conversation with Hanna on the day of the flogging. He said Hanna asked "what are we going to do about that so-and-so Gelders," at that time agitating for the release of a young communist held in jail without bail, under a law since declared unconstitutional.

Another witness, Cary E. Haigler, testified Hanna had told him he was employed by T. C. I. Birmingham's chief of detectives told the committee that after the Gelders flogging, a representative of the company con-

ferred with the chief of police who later said he believed "there'll be no more whippings in this district."

Charles J. Lenz, Birmingham fuel dealer, said that a material witness in the case, George M. Brooks, became highly nervous and worried. But Lenz added that after Brooks had communicated with Maj. Harry E. Smith, of the National Guard, he calmed down and even spoke of the possibility of being offered a position and of taking a vacation.

Maj. Smith's name also bobbed up in Cowherd's testimony. Smith told him, he said, that 15 of 17 National Guard officers stationed locally were "on the payroll" of T. C. I. at that time, Cowherd said, Smith was anxious to learn what the attorney intended to do in connection with an approaching Grand Jury hearing on the question of indicting Hanna.

The prosecuting officer knew, Cowherd said, of his conversation with Hanna on the day of the flogging, but he never was called to appear before the Grand Jury.

First Witness
Grover Cleveland Giles, Birmingham's chief of detectives, who did some work on the Gelders case, was the day's first witness. The principal point of his testimony was that W. R. Simms, in charge of special deputy sheriffs employed by T. C. I., called on the chief of police after the Gelders flogging and the two were closeted together for more than an hour.

"Did the chief ever tell you what happened?" he was asked.
"The chief came out kind of smiling and told me whippings, he believed, were ended in this district."

Lenz testified to the actions of Brooks, a witness in the case. Brooks, he said, saw a man leave an automobile from the window of the Lenz office, saw him sawed off baseball bat into a nearby field. He jotted down the license number and reported the incident to the police. The papers proved to be Gelders's and the license number that of Hanna's automobile.

Brooks Worried
"Brooks was very much worried after he got into this thing," Lenz said. "He got worried to the extent of buying a gun. And he was taking quite a few drinks. He made the remark that he felt like he was on the spot."

"Did anyone communicate with him on this matter?"
"I know of parties communicating with him but whether on this matter, I can't say."

"Who communicated with him?"
"Maj. Harry E. Smith, of the National Guard, called and said he'd like to talk to Mr. Brooks."

"Did you notice any change in Brooks's attitude or demeanor after the conversation?"
"He didn't seem to be quite so nervous."

"Did Brooks say anything after the conversation regarding going on a vacation or taking a position?"
"Not right after the conversation. A

little later on during one of his spells he had had too much joy, he did say he might be able to take a vacation, and that someone might call him and offer him a position. But in fairness to Mr. Brooks, I want it to be understood that he was under the influence of liquor."

One Question
Brooks was called next, but only one question was put to him; whether he could corroborate the previous testimony. He replied that he could "with slight deviations."

Haigler, a foreman in the Conservation Corps, described a conversation with Hanna last October. He told the committee that he was living at Clanton, a town near the spot at which Gelders was flogged.

"He remarked that that was the place where they beat up the reds," Haigler said, adding this aside; "there was a good deal of profanity mixed up in this."

The witness said, of his conversation with Hanna on the day of the flogging, but "Well, just skip the profanity," said Chairman LaFollette (Prog.), Wisconsin, of the Senate committee.
"I said people who did that ought to be in the penitentiary," the witness remarked.

Cowherd said, "I don't know what you have in mind, but I don't intend to do anything."

Investigated Gelders

He told Hanna he had investigated Gelders and found his reputation for truthfulness and honesty was of the highest, and that apparently someone had "made an awful bobble" on the case of Jack Barton, the Communist whose release from jail Gelders was seeking.

Cowherd said he first learned of the flogging from the papers next day and that immediately he wrote six names on a piece of paper and sent them to a Mr. Mitchell, connected with the State Federation of Labor, asserting he was confident that "three of the six were in on the flogging."

"Two of them had since been identified with the incident," he added.

At the conclusion of Cowherd's testimony, Chairman LaFollette read into the record the following letter from the local telephone company:

"This is to certify or advise that local Birmingham telephone number 3-2664 is an unlisted number for a telephone located in the offices of the Tennessee Coal, Iron and Railroad Company, 15th floor, Brown-Marx Building, Birmingham, Ala. The Tennessee Coal, Iron and Railroad Company pays the monthly bill for the above named telephone."

TALES OF FLOGGING TOLD TO SENATORS

Alabama Trooper Testifies at La Follette Inquiry T. C. I. Rule Prevented Indictments.

THREE ACCUSED OF CRIME

Victim Testifies He Was Railroaded to Jail—Mine Officials Deny Any Espionage.

Special to THE NEW YORK TIMES.
WASHINGTON, Jan. 14.—The LaFollette Senate subcommittee investigating violations of civil liberties heard two witnesses today tell stories of police persecution of the State of Alabama was not financially able to protect the company's properties.
The flogging was inflicted upon Sheriff of Jefferson County, in which the company's mines and mills are chiefly located. Bessemer,

for the Defense of Political Prisoners and who went to Birmingham to seek the release of Jack Barton, a Communist who had allegedly been "railroaded" to a chain gang. Although, Gelders told Senators LaFollette and Thomas of Utah, that he had identified three of his assailants and had picked two from a Birmingham police lineup, he said that two grand juries had refused to indict the men.

His story was corroborated by Sergeant J. W. McClung of the Alabama State police, who said that Governor Graves ordered him to get to the bottom of the case if it took every one of the 100 State police officers. Two of the three assailants identified by Gelders, Sergeant McClung said, were employed by the T. C. I. and were also officers of the National Guard.

Says T. C. I. Rules Area
Asked by Senator Thomas why an indictment was not returned, the policeman replied: "You know, Senator, the T. C. I. owns fifteen-sixteenths of the county around there. Any decision against Captain Hanna (one of those named by Gelders) even in a misdemeanor case, might bring about civil suit that would antagonize the T. C. I."

"Why involve the T. C. I.?" Senator Thomas asked.
"Captain Hanna is supposed to be employed by them as a secret investigator and he has men under him."

Gelders had previously named Walter J. Hanna, Dent Williams and James Leslie as the men who had assaulted him and thrown him into a car last Sept. 23, as he was on his way home in Birmingham. Indictments were asked only against Hanna and Williams, he and Sergeant McClung testified.

"Do you think they should have been indicted?" Senator LaFollette asked Sergeant McClung.
"Absolutely," was his answer.

He added that he saw the Governor just before he came here to testify, and he told the committee that the Governor told him to "go up there and tell them everything you know, just as you have told me." He added that the Governor was opposed to such criminal incidents, but was powerless to stop them.

Bessemer Called "T. C. I. Town"
Barton Burr, counsel for the company, and who presented Karl L. Landgrebe, vice president, and E. D. LeMay, assistant to the president of T. C. I., told the committee the State of Alabama was not financially able to protect the company's properties.
For that reason, he said, it was necessary for the company to employ police officers and have them sworn in as special deputies by the Sheriff of Jefferson County, in which the company's mines and mills are chiefly located. Bessemer,

There was nothing to indicate he was advocating the overthrow of the government by violence, he told the committee. An employment manager of the T. C. I. questioned and bulldozed him at the police station, he went on, attempting to find out what labor leaders in the town were members of the Communist party. The names of Mrs. Roosevelt, Heywood Brown and prominent Re-Americans were on his list and he

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wanted me to say they were communists," Barton testified. "I asked the judge to show me anything in the literature they seized that would violate the ordinance against 'Communism' but he retorted that they were 'all communistic,'" the witness said. He sentenced me to 180 days of hard labor and a fine of \$100 that would have to be worked out at 50 cents a day.

Says Band Was Rejected

"Then my wife obtained appeal money from New York and a large indemnity company provided the bond, this same judge said that he would not accept it because it was not made by a local bonding company."

Under questioning by Senator Thomas, the witness told of conditions in the Bessemer Jail, where molasses and bread were the principal foods, and where fourteen prisoners were crowded into four-deck cells. At the county jail, where he was transferred, conditions were better, he told Senator King.

The unsanitary jail conditions brought on a return of arrested tuberculosis, he testified, but in spite of this he was sent to road work in shackles that tore flesh from his legs until they became infected.

It was at this juncture that Gelders arrived and started a campaign among labor leaders to have Barton transferred to a tubercular hospital operated by the State and county. He was finally successful, but Barton was not released until Nov. 11, 1936, after the State Court of Appeals ruled that the ordinance under which he was convicted was unconstitutional.

At the afternoon session Gelders told how, with Barton's wife he visited the County Solicitor, after the Mayor of Bessemer refused to discuss the case. The solicitor told the couple, Gelders testified, that he was aware of the Barton case, and also that people who were unwanted had been railroaded through the police courts.

On his way home that night, Gelders said, he was attacked by three persons. He was beaten and thrown into the back of a car, and carried eighty miles away. He was beaten with a heavy strap and left unconscious all night, but finally managed to get to a small town where he was admitted to a hospital.

He said the Governor telephoned him there and then sent State Police to take up the case.

Birmingham city police officers would be called tomorrow, Senator LaFollette said.

FLOGGING IS CHARGED TO ALABAMA IRON FIRM

Bibb's Aide Says Culprits Free Because of T. C. I. Influence.

WASHINGTON, Jan. 14.—(UP)—A grim story of floggings, dynamited roads and cruel treatment of suspected labor agitators in Alabama was unfolded by the senate civil liberties committee tonight during an investigation of the Tennessee Coal, Iron & Railroad Co., a United States Steel subsidiary.

The tale was opened by Jack Barton, a paid employee of the Communist party, who was sentenced to six months at hard labor in Bessemer, Ala., for possessing literature recommending overthrow of the American government.

He said he was thrown in a cell with eight and sometimes 14 other prisoners and was forced to wear a heavy shackle while working on city streets. Finally, his health gone and 15 pounds underweight, Barton was shifted to a sanitarium for treatment.

The story closed with a charge by Sergeant J. W. McClung, special investigator for Governor Bibb Graves, of Alabama, that a county grand jury failed to indict accused flogging suspects through fear of antagonizing the Tennessee Coal, Iron & Railroad Co.

"They own about fifteen-sixteenths of that country around there," McClung said.

No Strikebreakers.

Earlier, high officials of the T. C. I. testified that it was not a policy of the company to hire strikebreakers or to employ men to spy on its workers. Borden Burr, attorney for the company, testified the company is a piece-work pay rate for the former compelled to hire special deputies to "protect life and property" because of limited local police facilities.

The company officials sat back and listened to an amazing story of stark brutality. It came from the lips of Professor Joseph Gelders, soft-spoken Hebrew who deserted searing blast-furnaces for the cool of a college classroom. Former assistant professor of the faculty of Alabama University, Gelders told of a visit to Bessemer on the night of September 23, 1936.

Carrying papers on the Scottsboro and Barton cases to a meeting, Gelders testified that on leaving he knew he was being followed. He was struck from behind as he got off a bus by a man he identified as Walter J. Hanna, member of the Alabama national guard.

"I saw more persons and I ran," Gelders said. "I collided with a man named Dent Williams. He struck me, broke my nose and my glasses. They put me on the floorboard of an automobile and continued to beat me. I pretended to be unconscious."

"Williams began reading documents that had been taken from me. Every now and then one of them would kick me. They took my wallet and my watch. I had \$59. Williams said 'This one's got lots of money.'"

"We drove for an hour. Someone said: 'What are they going to do with him?' Another answered: 'Kill him I guess and throw him into the river.' They picked up another man. He drove the rest of the way. Williams grabbed my heels and pulled me out. Hanna told me if I didn't leave town I'd be filled with lead."

Counted 15 Strokes.

"They pulled off my clothes, except my shorts and undershirt. Williams pulled out a heavy black leather strap

with a curved handle. He began flogging me. I counted 15 strokes. Then I became unconscious."

Hanna and Williams declined to appear before the committee to testify.

Gelders testified he now was associated with the National Committee for Defense of Political Prisoners which is headed by Rockwell Kent, artist. Headquarters were set up in Birmingham in 1936 to combat a series of alleged violations of civil rights in southern states.

The committee has an affidavit from a laborer charging that roads on T. C. I. property were mined to combat a proposed march of striking miners.

T. C. I. MINERS VOTE ALABAMA STRIKE

BIRMINGHAM, Ala., Jan. 14.—(AP)—A new walkout threatened this district's iron ore mines today as union officials announced miners had voted to strike, ending the truce with the Tennessee Coal, Iron & Railroad Company, which followed labor difficulties last summer.

A. E. Horn, district president of the International Union of Mine, Mill and Smelter Workers, said the strike vote resulted from the T. C. I.'s refusal to arbitrate differences with the workers.

Earlier, high officials of the T. C. I. testified that it was not a policy of the company to hire strikebreakers and attacked the company's new "incentive" wage plan.

The "incentive" plan, substituting a piece-work pay rate for the former daily wage, was accepted on a trial basis by union members in August, after a strike of several weeks, started when the new wage was put in effect.

Union sources indicated a "sit-down" strike would be the method adopted.

GUARDSMAN NAMED IN FLOGGING CASE

Witness Tells LaFollette Group Alabama Captain Made Threats Against Him.

CLUB OFFERED AS EVIDENCE

CCC Foreman Testifies That He Saw Militiaman Throw Away the Weapon.

Special to THE NEW YORK TIMES.

WASHINGTON, Jan. 15.—Charges that fifteen of seventeen National Guard officers in the Birmingham (Ala.) district were on the payroll of the Tennessee Coal, Iron and Railroad Company, and that a least one openly threatened violence to a

member of the American Legion, that Captain Hanna had made who urged punishment for persons threats against him, and he then who abducted and flogged Joseph S. Gelders, Sept. 23, were put today before the Senate subcommittee investigating alleged terrorism and court, because I knew they would violation of civil rights in the Alabama area in which the T. C. I. operates.

Witnesses yesterday described police persecution and the flogging of a lieutenant of Captain Hanna's Gelders, and ascribed the failure to obtain indictments to the fact that the T. C. I. owns "fifteen-sixteenths" of the territory adjacent to and including Birmingham, and that employees of the company, especially those in the "secret service," were immune from punishment for any offense.

Gelders, representative of the Committee for Defense of Political Prisoners, yesterday identified three as among his four assailants.

Militia Officer Accused

Today's witnesses, all from Birmingham, testified against Walter J. Hanna, captain in a National Guard unit, accused of also heading the T. C. I. secret police. The principal witness was Yelverton Cowherd, who at the time of the flogging of Gelders was chairman of the Americanization Committee of the Gorgas Post, American Legion, in Birmingham.

Captain Hanna, the witness said, also was a member of the Legion post, but asked that he be left off the committee created to fight subversive and un-American propaganda. At the same time, Mr. Cowherd testified, Captain Hanna donated cash to pay bills incurred by the Legion committee. It was also brought out that Mr. Hanna could always be reached in an office of the T. C. I.

Senator LaFollette, chairman of the committee, introduced a letter from the telephone company saying that the "blind number" used by Captain Hanna was paid for by the T. C. I.

On the morning before the flogging, the witness said, Captain Hanna came to his office and asked:

"What are we going to do with that so-and-so Gelders?"

"I replied that WE are not going to do any thing. I said that I had investigated Gelders and found that he had a reputation for truth and honesty."

Threats By Hanna Charged

He said that when he heard of the flogging the next day, he wrote six names on a piece of paper and gave it to the head of the State Federation of Labor with the remark: "I will bet three of the six were mixed up in the flogging."

Some time later, the witness told the committee, he was informed

that Captain Hanna had made who urged punishment for persons threats against him, and he then who abducted and flogged Joseph S. Gelders, Sept. 23, were put today before the Senate subcommittee investigating alleged terrorism and court, because I knew they would violation of civil rights in the Alabama area in which the T. C. I. operates.

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Gelders Flogging Probe Is Slated

WASHINGTON, Jan. 12.—(AP)—The special senate committee investigating civil liberties violations announced today it would reopen hearings Thursday with an inquiry into the recent flogging near Birmingham, Ala., of Joseph S. Gelders, former University of Alabama physics professor. "Certain incidents" in connection with the building of part of the Pulaski skyway by the American Bridge Co., of Pittsburgh will be taken up January 18 and 19, Chairman LaFollette (Prog-Wis.), said.

Investigators said privately the committee might also study labor controversies in the General Motor company plants in Michigan, where two senate agents have been stationed since early December. Labor organizers have complained, they said, that the company has tried to interfere with union activities.

BLACK OPPONENTS REPUTEDLY STUDY RAISING KKK ISSUE

Constitution
Senator Reveals Reports

Alabaman Was Supported
by Klan Are Being
Investigated; 'Washing
Our Hands,' Others Say.

8-14-37
SELECTION OKAYED
BY SUBCOMMITTEE

Atlanta, Ga.
Roosevelt Denies He Will
Press for Amendment
To Reform Judiciary;
Viewed as Aid to Solon.

WASHINGTON, Aug. 12.—(AP)—
Word spread about the capitol to-
night that the Ku Klux Klan
issue might be raised by some sen-
ators fighting the appointment of
their colleague, Hugo L. Black, of
Alabama, to the supreme court.

One of Black's senatorial oppo-
nents, who refused to be quoted by
name, said he understood a study
was being made of reports that
the Alabaman had once been sup-
ported for office by the Klan.

This senator said that if any-
thing of a documentary nature
could be found it would be sub-
mitted to the judiciary committee
which must pass upon the nomi-
nation.

"Washing Our Hands."

Some other members of the
small senate group openly oppos-
ing Black declared, however, that
they were "washing our hands"
of any such tactics. They added
their objections were on legal
grounds only.

Black, who was absent from the
senate session today, could not be
reached for comment. Friends of
the Alabaman, saying they knew
nothing of the reports, declined to
enter openly in the discussion.

A final showdown on the senate
floor, where appointees from mem-
bership usually are confirmed
without any such struggles as that
now going on, appeared unlikely
before next week.

Initial Test.
The initial test today came in
a judiciary sub-committee ap-
pointed by Chairman Ashurst,
Democrat, Arizona, an adminis-
tration supporter. Black's nomi-
nation had been referred to that
committee yesterday when two
objections prevented the senate
from considering the appointment
immediately, as it is done in sim-
ilar instances ever since 1888.

Despite a challenge by Senator
Austin, Republican, Vermont,
against the legality of the nomi-
nation, the sub-committee voted
five to one to report it favorably
to Ashurst's full committee,
which will meet Monday.
The possibility of an historic
floor fight on the constitutionality
of the appointment was suggested,
however, when Senator Borah,
Republican, Idaho, who voted for
Black, reserved the right to raise
the issue later.

Questions Eligibility.
Austin questioned Black's eligi-
bility under the recent act of con-
gress providing for retirement of
supreme court justices at full pay.
He said that act might make any
member of congress ineligible ei-
ther on the basis of creating a new
office, or of increasing the emolu-
ments of the office. The constitu-
tion bars a senator from an office
he helped to create or for which
he helped increase the emolu-
ments.

President Roosevelt, aware that
the legal question had been raised
in congress, announced that At-
torney General Cummings had in-
formed him the nomination was
perfectly legal and constitutional.
At a press conference while the
judiciary subcommittee was con-
sidering the matter, the President
said Cummings had given him an
informal and oral opinion.

No Amendment.

Mr. Roosevelt also told report-
ers that there is no truth in re-
ports that he is going to press for
a constitutional amendment con-
cerning supreme court reorganiza-
tion.

Some observers expressed belief
that this observation might influ-
ence some opponents of the Pres-
ident's beaten court reorganization
bill to support Black. The Presi-
dent, however, did not elaborate
his remark nor its purpose.

Senator McCarren, Democrat,
Nevada, a member of the judici-
ary committee, commented to re-
porters afterward that the legal
issues which have been raised pre-
sent "a very serious question."

A similar expression came from
Senator McClellan, Democrat, Cal-
ifornia, who said the situation
presented "a very serious question."

August 13, 1937

The Error of Which He Complains

Attacking Alabama's Senator Black, confirmed yesterday
for appointment to the United States Supreme Court, Senator
Copeland, who hopes to become mayor of New York, invoked
the very tactic against which he was complaining when he op-
posed the Alabaman on the ground that he had been sympa-
thetic to the Ku Klux Klan.

Copeland's objections to the Klan, of course, are that it is
narrowly opposed to certain classes of the people, creating class
strife and inviting division and conflict within the nation.

Yet, by the bitterness of his arraignment without proof, of
a senator, he invited the same class and racial vindictiveness of
which the latter-day Klan is guilty.

We cannot but believe Senator Copeland was impelled by a
desire to create issues which might attract support in the great
hodge-podge called New York. He was attempting, we feel cer-
tain, to feather his own nest, at the expense of fowling some-
one else's.

He was prodding the Negroes to an inflamed state of mind
against the whites.

He was setting up Jew-Gentile lines of demarcation.

He was attempting to arouse the Catholic citizenry, by in-
ference posing as their champion.

He was arousing feelings which would militate against a
harmonious and united people. Moreover, he was showing those
to whom he appealed, Catholic, Hebrew, Negro and alien, a
path freighted with menace to themselves, for if they should
be stirred to class voting, naturally they set against themselves
the classes they brand as enemies.

Such tactics as the New York senator used would be, if
universally adopted, fatal to American democracy, even, in-
deed, to social peace and order in this land.

Which Oath Will He Keep?

The amount of bigotry and prejudice Presi-
dent Roosevelt enthroned on the Supreme
Court bench when he appointed Hugo Black
to that exalted tribunal is revealed by what
seems to be unassailable documentary evi-
dence that Black is today a life-member of
the Ku Klux Klan.

When he joined the klavern of Robert E.
Lee Klan No. 1, in Birmingham, on the eve-
ning of September, 11, 1923, he placed his
left hand over his heart, raised his right hand
to heaven and swore a solemn oath, before
crossed swords and Bible, that not even un-
der threat of death, would he ever divulge
the secrets of the Invisible Empire.

According to the letter of his oath, he
pledged himself to uphold "white supremacy,"
but all who are familiar with the teachings
and practices of the Ku Klux Klan know that
its members are hostile to Jews and Catho-
lics.

Ray Springle, writing for the Pittsburgh
Post-Gazette and the North American News-
paper Alliance, has gone deeply into the of-
ficial records of the Klan in Birmingham and
elsewhere and has written a series of three
articles calculated to stir the American peo-
ple to a new anger and aversion that Mr.
Roosevelt should have named such a man to
fill the place made vacant by the retirement
of Associate Justice Van Devanter.

Once more we see the unworthy strategy
of the President in waiting until the fag end
of a weary congressional session, three
months after Justice Van Devanter had re-
tired, before he sent this nomination to the
Senate for confirmation. Once more we see
the deplorable results of that haste with
which the colleagues of Black accepted de-
nials that he was a Klansman and voted to
confirm his nomination, when a hearing be-
fore the judiciary committee, so earnestly
pleaded for by certain outstanding senators,
would have brought out the whole miserable
background of the President's appointee.

Many of us will remember that as far back
as the spring of 1925 the political pot began
to bubble in Alabama, as a successor was to
be nominated to fill the seat of that south-
ern statesman, Oscar Underwood. The Ku
Klux Klan had already become a power in
Alabama, as it was all over the South and,
indeed, in other sections of the country. Sen-
ator Underwood was opposed to the Klan and
the Klan returned the sentiment in double

It was suggested that the court
consider the new petition in the ab-
sence of Justice Black and in ac-
cordance with such procedure as this
place him on the high bench.

measure. In fact, the word went round that the Klan was to "get" him.

Disgusted with the whole political mess Senator Underwood declined to stand for nomination and election for another term in the Senate. He left the state of Alabama and bought an estate outside of Washington.

Hugo Black, whose judicial experience had carried him no higher than a police court judge and whose legal practice was largely of the petty damage suit kind, had become the "white hope" of the Klan.

According to the story written by Mr. Springle, Black realized that there was a certain element in the state which was opposed to the Klan and what he really wanted was votes. Mr. Springle prints a photostatic copy of the "resignation" from the Klan written by Black on July 9, 1925, to J. W. Hamilton, secretary of the Klan, with his signature followed by, "yours, I. S. U. B." which Mr. Springle interprets for us as meaning, "Yours In the Sacred and Unfailing Bond."

This resignation, however, we are told, was never even seen by the secretary. It was filed away in a dusty desk and no record of it made on the minutes. From other sources we know that it was the recognized strategy of the Klan that when a member was haled into court, for example, on any issue involving the Klan, his "resignation" automatically became effective and he could take an "oath" that he was not a member.

But if there was no record of Black's resignation, there was ample record of his return to the fold, after he had been elected to the Senate.

According to Mr. Springle, Black was welcomed back into the Klan at a state meeting held in Birmingham on September 2, 1926. Imperial Wizard Hiram Wesley Evans graced the occasion with his presence and leading klansmen from other states were present. Black was then made a life member of the order—one of half a dozen in the entire United States—and was presented with a gold membership card in the Klan.

So far as the official files of the Klan disclose, this membership card, testifying to his life membership, has never been returned.

At that state meeting when Black was welcomed back into the fold, Black according to the minutes of the session, attributed his election to the Klan, expressed his gratitude for its support and pledged himself to remain loyal to the principles of the order.

So the question now arises, did he have his fingers crossed when he took an oath, as a member of the Supreme Court, to uphold the Constitution of the United States?

That venerable document provides that the "equal protection of the laws" shall be extended to men and women of every race and creed. There is no room under it for the

bigotry and race prejudice of the Ku Klux Klan.

The American people will ask which oath will he keep when he becomes an active member of the Supreme Court of the United States. Will he keep the oath which pledges him not only to discriminate against the Negro race, but against those of the Jewish race, like his colleagues, Justices Brandeis and Cardozo, or against Catholics, like his colleague, Justice Butler whose appointment was opposed by the Klan?

Or will he keep the oath more recently taken to support the Constitution of this free country?

All this might have been brought out before his nomination was ratified. But perhaps the President himself adopted his strategy of holding back the nomination until no investigation was probable because he knew the Klan affiliation of the man he had named to the Supreme Court?

Perhaps there is no way to get at Black, but those whom the Klan has so long persecuted may find a way to get back at the man who named him to the highest judicial tribunal on earth.

Arthur W. Mitchell Lauds Hugo Black

TUSKEGEE INSTITUTE, ALA., Sept. 26.—(Special) — Congressman Arthur W. Mitchell, negro, of Illinois second district, Chicago, addressed the student body of the institute here tonight in their Sunday evening chapel service. During the course of his speech he paid tribute to Senator Hugo L. Black and to Mrs. Mary Bankhead Owen. Congressman Mitchell told the assembled students he supported the Alabama senator's appointment to the Supreme Court for the good work he had done in national legislation. "Mr. Black's personal affiliations have no weight in his progressive legislation," the speaker said.

Mitchell praised Mrs. Owen's recently written book "Children of the Night" soon to be released by its publishers. In lauding the book, he called attention to the manner in which the writer had revealed the finer side of the relationship of the two races in the deep South.

The congressman, a native of Chambers County is an alumnus of the institute. He was at one time, office boy to Booker T. Washington. On his trip South he stopped in Virginia at the Washington home where he visited the birthplace of the famed Tuskegee leader.

Negro Congressman Defends Hugo Black

BIRMINGHAM, ALA., Sept. 28.—(AP) — Representative Mitchell, Illinois Democrat and only negro member of Congress, said today Supreme Court Justice Hugo Black "has been courageous to the last degree," and in his opinion Black is "an honest man." Charges the former Alabama Senator had been affiliated with the Ku Klux Klan, Mitchell said were made by "political enemies who were merely seeking something for which to indict him and did not care particularly whether it was the Klan issue or something else."

The representative is touring Alabama, and already has visited his boyhood home in Chambers County and Tuskegee Institute. He will speak here Thursday night under auspices of the Jefferson County Negro Democratic Club.

Move To Oust Black Spurned By High Court

Rebuff Given Florida Firms; Alabamian's Decisions With Liberals

WASHINGTON, Nov. 8.—(AP) — Another effort to remove Associate Justice Hugo L. Black from the Supreme Court ended today in failure.

Without comment, the court dismissed a petition contending Black was constitutionally ineligible for his seat, and that he had, as a member of the Senate, shown himself to be "attitudinized" regarding a point in litigation.

An hour earlier, Black handed down his first opinion. Speaking in a low tone, he hurriedly telescoped a 2,000-word argument into a brief oral announcement, leaving details to a perusal of his printed text.

The decision upholding a Federal Trade Commission contention that two firms practiced unfair competition in the sale of encyclopedias, denounced "deception" in business.

In addition, in two cases upon which the court was divided, he aligned himself with its traditionally liberal members, and in three tax controversies, he voted against the government and in favor of the taxpayer.

Oil Firms Involved

The new attempt to oust Black, who took his seat amid charges of constitutional ineligibility and a furor over his admitted former membership in the Ku Klux Klan, was instituted by three Florida oil companies. It was the third unsuccessful effort to remove

him.

On Oct. 18 the court declined to interfere with attempts by the Securities Exchange Commission to subpoena companies in question. Black participated in the consideration of that case.

Petitioning for a rehearing, the companies raised the now familiar argument that in voting for the Supreme Court retirement bill in the Senate last Winter, Black disqualified himself for appointment to the court, and that Associate Justice Van Devanter's retirement left no vacancy to which Black could be named.

In addition, the companies went back to the controversy over the right of the Senate lobby committee several years ago to subpoena the telegrams of persons under investigation. Black, as chairman of that committee, then expressed himself on the point in no uncertain terms.

As in the earlier cases, the court, in taking today's action, did not pass upon the merits of the argument that Black was ineligible. The dismissal of the petition was announced by the court clerk, without a word from the bench.

Black's first opinion, in which all the other justices concurred, upheld the Federal Trade Commission in ordering the Standard Education Society of Minnesota and the Standard Encyclopedia Corporation of Illinois to desist from the use of "unfair" and "false, deceptive and misleading" method.

The society was represented as having sought out certain individuals and offered them encyclopedias at a reduced rate in return for the use of their names as a reference, when actually, the commission found, the full price was charged.

The lower courts had overruled the commission on this point on the ground that the purchaser would not be misled.

"The fact that a false statement may be obviously false to those who are trained and experienced does not change its character nor take away its power to deceive others less experienced," the Black opinion said. "There is no duty resting upon a citizen to suspect the honesty of those with whom he transacts business."

"Laws are made to protect the trusting as well as the suspicious. The best element of business has long since decided that honesty should govern competitive enterprises, and that the rule of caveat emptor (let the buyer beware) should not be relied upon to reward fraud and deception."

Keeps With Liberals

In one of the day's two dissents, Black combined with Associate Justices Brandeis, Stone and Cardozo. They asserted that to hold with the ruling of the majority (Chief Justice Hughes, and Associate Justices McReynolds, Butler, Sutherland and Roberts) "is to work havoc with the law."

The case turned upon the question of whether a sum of money paid Arthur G. Bogardus by the Universal Oil Products Company, as a reward for faithful services, was "compensation" subject to income taxes or a "gift" exempt therefrom. The majority found

it to have been a gift.

"A gift is nonetheless a gift," said the majority opinion, "because inspired by gratitude for the past faithful services of the recipient."

In the one other case of a split opinion, Black sided with the majority, and the minority was made up of what remains of the court's old conservative wing — Associate Justice Sutherland, McReynolds and Butler. The decision upheld the right of the State of Iowa to levy an income tax upon interest paid on the bonds of the State and its subdivisions.

In three tax cases in which Black voted against the government, the court held that:

Jig saw puzzles are not a "game" and therefore are exempt from the Federal tax on games. This relieved the Viking Manufacturing Company, of Boston, of paying a tax on the sale of such puzzles.

Bradley W. Palmer, of Boston, need not pay \$33,381 of income taxes for 1929, assessed as the result of stock purchases made as a stockholder of the American Superpower Corporation of Delaware.

Oscar F. Mayer, of Chicago, is not obligated to make a \$1,150 income tax payment, assessed in the same way as the tax levied against Palmer.

Black Again Under Fire Of Oil Companies

Florida Firms Insist Alabamian Unqualified To Act In Their Case

WASHINGTON, Nov. 9.—(AP) — Three Florida oil corporations filed a new allegation before the Supreme Court today that Justice Hugo L. Black was not qualified to act in their case.

The court, which granted the concerns permission to file their papers, yesterday denied a petition for a rehearing of its action in refusing to review a judgment against the corporations by the Fifth Circuit Court of Appeals. The case was based on alleged threatened seizures of private telegrams by the securities exchange commission.

The Florida firms contended that Justice Black, while he was chairman of the Senate lobby committee, had favored similar seizures during the committee's work.

The second request for a rehearing said that the court "apparently overlooked and failed to consider the suggestion of disqualification of Associate Justice Black to participate in the consideration of the petition for rehearing."

"The participation of Justice Black in determining the petition for rehearing," said the firm, "renders his court an illegally constituted court insofar as the matters upon which he participated are concerned, even though the ballot was such that the decision would have been the same had he not voted."

Klu Klux Klan-1937

Alabama.

Second Probe Of Flogging Ordered

BIRMINGHAM, ALA., Jan. 14. (P)—Judge J. Q. Smith, describing kidnapping as "a very serious offense in this State," today ordered a Jefferson County Grand Jury to conduct a second investigation into the abduction and flogging of Joseph Gelders in Birmingham.

Gelders, a representative of the National Committee for Defense of Political Prisoners, was abducted here Sept. 25, severely beaten and dumped from an automobile near Clinton. He was almost nude and said he had been advised to leave town.

He blamed the event on the support of a Bessemer man, convicted there of possessing "Communist literature" and sentenced to jail. The man, John Barton, later was freed when the "propaganda" ordinance was held unconstitutional.

The judge also advised the jurors to probe the Dec. 26 abduction and robbery of William Mitch, Jr., son of the president of the Alabama State Federation of Labor, who was robbed of an automobile and left tied on the outskirts of Montgomery. Two men now are held in Fort Worth, Texas, in this case.

A Jefferson Grand Jury recently failed to indict two Birmingham men picked out in a police line-up by Gelders as his abductors. He said there also was another man involved.

STEEL TRUST GUILTY IN ALABAMA FLOGGING, SENATE BOARD TOLD

Police Official Says Steel Firm Bars Indictments in Gelders Case

GELDERS ON STAND LaFollette Committee Is Told Road Mined to Blow Up Striking Miners

(Special to the Daily Worker)

WASHINGTON, D. C., Jan. 14.—The only reason that no indictments have been brought in Birmingham against the kidnapers of Joseph Gelders, Southern representative of the National Committee for Defense of Political Prisoners, is that "The Tennessee Coal and Iron Co. owns about fifteen-sixteenths of that country down there." z xz

This was the testimony here today before the La Follette Senate Committee investigating violation of civil rights, of James W. McClung, special investigator of the Alabama State Police assigned to the Gelders case.

REFUTES T.C.I. TESTIMONY

Hearings on the Gelders case, in which T.C.I. officials, Gelders himself, and Jack Barton, Communist gang under a Bessemer, Ala., ordinance since declared unconstitutional, appeared, opened the second hearings of the Senate Committee. The Committee is attempting to obtain a new appropriation from the Senate with which to continue its work.

McClung's startling testimony followed upon sworn statements by the vice-president of the T.C.I., Karl Landegrebe, and assistant to President Ernest Lemay, to the effect that the company never under any

STRIPPED AND FLOGGED

circumstances concerned itself with the political or economic activities of its employees, and paid no attention to such matters whatsoever.

GELDERS TESTIFIES

Jack Barton on the stand in the morning session told the details of his various arrests, his treatment in prison, the brutal treatment of other prisoners, especially of Negroes, in Bessemer, a T.C.I. company town.

The company officials then sat back and listened to an amazing story of stark brutality. It came from the lips of Prof. Joseph Gelders, lean, rangy, soft-spoken. Former Assistant Professor of the Faculty of Alabama University, Gelders told of a visit to Bessemer on the night of Sept. 23, 1936. Carrying papers on the Scottsboro and Barton cases to a meeting, Gelders testified that on leaving he was struck from behind as he got on a bus by a man he identified as Walter J. Hanna, member of the Alabama National Guard.

ROBBED BY SLUGGERS

"I saw more persons and I ran," Gelders said. "I collided with a man named Dent Williams. He struck me, broke my nose and my glasses. They put me on the floor of an automobile and continued to beat me. I pretended to be unconscious."

"Williams began reading documents that had been taken from the march took place."

TWO KILLED

Gelders introduced eight sworn affidavits by trade unionists and others, including a number of Communists, which told of specific violations, ending in murder in two cases, in the Birmingham region. McClung's testimony capped the climax of today's hearings, which will be continued Friday. He detailed his work of running down the kidnapers of Gelders; the identification of two of them, Captain Walter J. Hanna and Lieutenant Dent Williams of the Alabama National Guard as two of the four

"They pulled off my clothes, except my shorts and undershirt. Williams pulled out a heavy black leather strap with a curved handle. He began flogging me. I counted 15 strokes. Then I became unconscious."

Hanna and Williams declined to appear before the committee to testify.

Gelders said he identified Williams and Hanna in a police lineup. The flogging was presented twice to Jefferson County Grand Jurors but no true bills were returned. Gelders said he believed Assistant Solicitor J. M. Long prejudiced the Grand Jury in the first instance by citing the fact that he was Jewish and had demanded a special prosecutor.

ROADS MINER

He testified that he now was associated with the National Committee for Defense of Political Prisoners which is headed by Rockwell Kent, artist. Headquarters were set up in Birmingham in 1936 to combat a series of violations of civil rights in Southern states.

The committee has an affidavit from a laborer charging that roads on T. C. I. property were mined to combat a proposed march of striking miners. Gelders said it was reported in newspapers that the dynamite charge was set off before the march took place.

kidnap-floggers, and the failure of the grand jury to indict either upon presentation of evidence which his 25 years as a State Investigator had convinced him was more than sufficient for bringing in of bills against them.

"Any decision against Captain Hanna, even a \$10 fine in Misdemeanor Court, might bring the whole T.C.I. down, with 35 million dollar budget, on anybody that made it," McClung said.

against company policy," he said. "The company has preferred to close down in event of disputes with employees." In April, 1934; May, 1934; March, 1935; September, 1935, and May, 1936, when strikes occurred or were threatened the company hired special deputies "to guard company property," Burr said.

Gelders said he identified Williams and Hanna in a police lineup. The flogging was presented twice to Jefferson County Grand Jurors but no true bills were returned. Gelders said he believed Assistant Solicitor J. M. Long prejudiced the Grand Jury in the first instance by citing the fact that he was Jewish and had demanded a special prosecutor.

WASHINGTON, Jan. 14.—Counsel for the Tennessee Coal, Iron & Railroad Co., told the LaFollette civil rights committee today that the company was forced to hire special protection for its properties due to failure of law enforcement in Alabama. "I would say that failure of law enforcement in our district makes it imperative for us to bring

Deny Deputies Did
'Any Wrong'

Birmingham Officers

LEMAY ON STAND

Talk Of Machine
Guns Heard Today

T. C. I. HIRED GUARDS
'WHEN STATE LAWS
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He claimed the agent who was supposed to be a Bessemer man, connected there of possessing Communist literature and sentenced to jail. The man, John Barton, later was freed when the "propaganda" ordinance was held unconstitutional.

The judge also advised the jurors to probe the Dec. 26 abduction and robbery of William Mitch, Jr., son of the president of the Alabama State Federation of Labor, who was robbed of an automobile and left tied on the outskirts of Montgomery. Two men now are held in Fort Worth, Texas, in this case.

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STEEL TRUST GUILTY IN ALABAMA FLOGGING, SENATE BOARD TOLD

Police Official Says Steep Firm Bars Indictments in Gelders Case

GELDERS ON STAND

LaFollette Committee Told Road Mined to Blow Up Striking Miners

(Special to the Daily Worker)

WASHINGTON, D. C. Jan. 14.—The only reason that no indictments have been brought in Birmingham and Barton cases to a meeting against the kidnapers of Gelders, Southern representatives were struck from behind as he got into a bus by a man he identified as a member of the National Committee for Defense of Political Prisoners, Walter J. Hanna, member of the Tennessee Coal and Iron-Alabama National Guard.

That country down there." z xz
This was the testimony here to day before the La Follette Senate Committee investigating violation of civil rights, of James W. McCullough, special investigator of the Alabama State Police assigned to the Gelders case.

REUTERS T.C.I. TESTIMONY
Hearings on the Gelders case, in which T.C.I. officials, Gelders himself, and Jack Barton, Communist gang member, were sentenced to 580 days on the chain in a Bessemer, Ala., or William said, "This one's got lots of affidavits by trade unionists and others, including a number of Communist, appeared, opened the second hearing of the Senate Committee. The Committee is attempting to obtain a new appropriation from the Senate with which to continue its work.

McCullough's startling testimony followed upon sworn statements by the vice-president of the T.C.I., Karl Landegrebe, and assistant to President Ernest Lemay, to the effect that the company never under any

circumstances concerned itself with the political or economic activities of its employees, and paid no attention to such matters whatsoever. GELDERS TESTIFIES
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T.C.I. HIRED GUARDS WHEN STATE LAWS FAILED TO PROTECT

Birmingham Officers At Senate Probe Deny Deputies Did 'Any Wrong'

LEMAY ON STAND

Talk Of Machine Guns Heard Today

in special deputies to protect life and property. Borden Burr, counsel for the concern, said as the committee launched an inquiry into labor disputes and flogging cases in Alabama.

Burr said the company had responded to the committee's subpoena of its records except that it "respectively declines" to provide all employment records. A number of "typical" cases, however, were presented.

Sen. Elbert Thomas (D., Utah), pressed Burr for full explanation of the hiring of deputies by the company. Burr said he knew of no instances in which the deputies had wronged any person. He said that if they should do so, the company would be liable in court.

against company policy," he said. "The company has preferred to close down in event of disputes with employees." In April, 1934; May, 1934; March, 1935; September, 1935, and May, 1936, when strikes occurred or were threatened the company hired special deputies to guard company property, Burr said.

Guards Were Hired

Burr explained that the only occasion on which the company had brought in strike breakers was in 1934 during a dispute with miners. At that time it employed nine shovel operators who might have been termed strike breakers, he said. "Employment of strike breakers is

"A great deal of violence occurred," he said. "The state law does not provide protection for life and property during these periods of emergency due to the limited police facilities."

Regarding employment records, Burr said:

Landgrebe Called

"It is a private matter and does not contain any records of interference with collective bargaining. However, we have submitted a list of typical cases of applicants who were given employment and of others who were not employed."

"These give the committee all essential facts of the methods used by the company."

Karl L. Landgrebe, vice-president of the Tennessee Coal, Iron & Railroad Co., said the company owned both mines and mills.

He denied it had employed any detectives to investigate labor organizing activities or had paid extra money to employees for such work.

Ernest D. Lemay, gray-haired, mild-mannered assistant to the president of T. C. I., teetered back and forth in his chair as he answered LaFollette's questions.

LaFollette shot questions at him rapidly.

"I heard a good deal about labor activities but I get nothing that recall through employees of the company," Lemay said.

He recalled that Pinkerton detectives frequently called on the company but were never employed.

"Do you recall telling E. S. Carleton (Pinkerton detective) anything about Blaine Owens?" LaFollette asked.

"I do not," Lemay replied.

Owens was a Communist who allegedly was driven out of Birmingham.

LaFollette read a letter from Carleton to another detective saying Lemay had told him privately that Owens had been taken on "a fishing trip" and "worked on."

Memory Not Refreshed

"Does that refresh your memory?" LaFollette asked.

"No," Lemay replied.

The Carleton letter referred to Lemay as "deeply interested in Communist activity."

"I knew nothing of the man named Owens except what I read in the newspapers," Lemay said.

"We have no espionage methods and get no information of that type."

Lemay said he would favor espionage in his plants in event of suspicions that violence was being plotted.

Jack Barton, former Birmingham resident now living in New York City, told the committee he was jailed in Alabama on charges of possessing literature advocating violent overthrow of the Government.

Barton Tells Story

He said he had been a member and paid employee of the Communist Party for three years.

He said he was arrested on four occasions, twice by Milton McDuff, a private detective.

LaFollette had asked Lemay if he knew McDuff and Lemay said he understood McDuff was the son of the county sheriff.

"The detectives had no search warrant when they entered my house," Barton said. "I protested without success."

The charges usually were "hold for investigation" or "vagrancy," he said. The vagrancy charges would then be dropped when brought to court, he said.

'Own Secret Service'

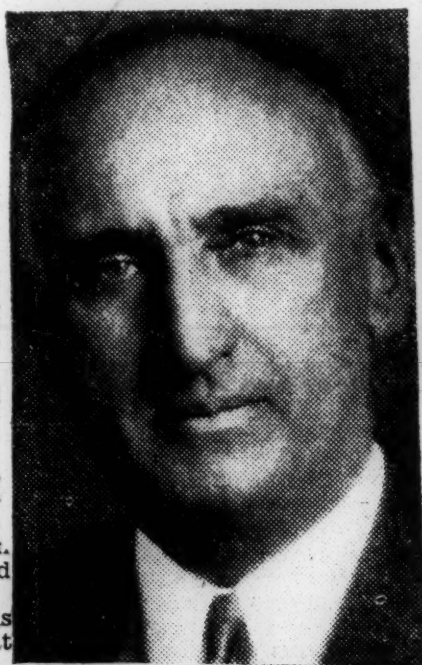
He recalled 38 deputies were discharged by the company for failure to "come up to our standards."

Data held by committee investigators included records of Pinkerton Detective Agency officials referring to efforts to sell the services of the agency to T. C. I. at Birmingham.

One such communication, from the superintendent of the agency's New Orleans office, said that the company "has its own secret service."

In the committee's records is a letter from Federal Laboratories, Inc., to the attorney-general, in 1934, asking for the Justice Department's attitude on filling orders from various corporations, including the T. C. I., for machine guns.

CALLED BY SENATE



MR. LANDGREBE

GELDERS PROBE PUSHED BY JURY

Detectives Giles And Cain
Summoned To Testify



MR. GELDERS



H. A. MCCLUNG

In Flogging Case

Jefferson County Grand Jury today began the second phase of a renewed investigation of the flogging of Joseph S. Gelders, Southern representative of the Committee for the Defense of Political Prisoners, summoning two Birmingham detectives to testify.

The officers are Chief of Detectives G. C. Giles, and City Detective Fred Cain, both of whom worked with James W. McClung, special investigator representing Governor Graves in the case.

It was also learned that the grand jury had requested a transcript of the testimony heard by the old grand jury, which on Nov. 15 returned no bills against four men named by Gelders as the ones who abducted and flogged him on the night of Sept. 24.

This was regarded as an important development, since it was reported at first that the jurors would consider only new evidence.

Yesterday the jury heard Mr. McClung, along with a witness who identified a man who disposed of papers taken from Gelders' pockets shortly after the kidnaping.

NAME TCI SPY
Daily Worker
IN ATTACK
1-26-87
ON GELDERS

(By United Press)

"He apparently was worried so much he borrowed a gun to protect himself," Len testified. "He was like a man in a coma. I don't

WASHINGTON, Jan. 16.—Wheth

Mr. Downs referred to Mr. Gelders as "the man who was taken out and spanked."

HANNA TRACED BY 'UNLISTED' NUMBER HERE

Yelverton Cowherd, Birmingham attorney, and former chairman of the Americanization Committee of the American Legion in Birmingham.

“While chairman, I approached the board before we got to Gelderland and now what I know is that the going to be better than the

**GELDERS GALLED IN
PROBE OF FLOGGING**

**54 Indictments Returned In
Partial Report**

1-15-37
PAYROLL IS REVEALED
15 Of 17 National Guard

(By United Press)
WASHINGTON, Jan. 15.—

The Senate Civil Liberties Committee, investigating the flogging of Joseph Gelders today heard Carey E. Haig spread of Communism which, he said, Alabama CCC foreman, testified, men of Gelders' type were that one of the suspects in the case helping to spread told him he was employed by the Tennessee Coal and Iron Company the brutal tactics the Birmingham use to break up work as private investigator.

Hagler said that Walter J.ing class demonstrations. If his a (Crack) Hanna, identified by Gel-jack upon the Communist demands as one of the flogging party, for equal rights for Negroes. Downers told him he worked for T. C. I declared, "now you know as well as and that he would like to take a I do that one good white is worth baseball bat and beat up the intel-45 Negroes. We've got the upper, hand now, but we may not always lectual reds.

LACK OF CASH MAY HOLD UP

FEARED REPRISAL. Another witness was Yelverton Sowherd, Birmingham labor counsel, who said Hanna got his nickname because he was a crack shot. He testified he frequently telephoned Hanna at No. 3-2664. Chairman Robert M. LaFollette, Prog. Ws., introduced a letter from the Southern Bell Telephone Co. to

show that 3-2664 was an unlisted number in the offices of the T. C. I. **NEW FUND TO BE ASKED** in the Brown-Marx Building, Birmingham.

From Charles J. Len, Alabama oil and coal dealers, the committee heard how George M. Brooks, a witness against Hanna in the flog-

Let It's Findings 'Speak

For Themselves'

By Daniel M. Kidney
Post Staff Correspondent
WASHINGTON, Jan. 16.—(Whel-

54 indictments Returned in PAYROLL IS 'REVEALED'

The Jefferson County Grand Jury returned a partial report today to

Officers Reported In

Circuit Judge J. Q. Smith and then questioned Joseph S. Gelders on his abduction and beating of last Sept. 24. *Continued* **B-1.**

Company's Employ
Product of

The investigating body was expected, to make a final report for this session before the end of the day.

By Daniel M. Kennedy
Post Washington Correspondent
WASHINGTON, Jan. 15.—Capt.
Walter J. Hanna, identified by
Joseph S. Gelders as one of the

The grand jury in its partial report returned 54 indictments, including one for murder against Ben C. Tedder for the slaying of I. F.

men who flogged him into insensibility near Clanton, Ala., last September, was accessible at a privately listed phone at the Ten-

Agee. It also brought two indictments for robbery against Harris Franklin and Louie Harris, alleged

nesses Coal, Iron & Railroad Co. of-
fices in the Brown-Max Bldg. in
Birmingham, the Senate Committee
on Civil Liberties established here

Flogging Probe

T. C. I. officials on the witness stand yesterday testified specifically that Hanna was not in the company in

Record Sought At Birmingham Solicitor

Chief of Detectives G. C. Giles, of Birmingham, questioned by Sen. Robert M. La Follette, chairman of

Wires For Transcript

Police Chief Luther Hollums gave him the telephone number 3-2664

(P)—Solicitor George Lewis Bailes wired a request today for a transcript of testimony in the abduction and flooding of Tomba's children.

A wire from R. E. Simmons, district manager of the Southern Bell

Senator Robert LaFollette (P), Wisconsin, chairman of a Senate committee investigating civil liberties,

Telephone Co. in Birmingham, stated that the telephone number 3-2664 is an unlisted number in the Tennessee Coal, Iron & Rail-

Bailes, whose office has presented evidence in the flogging to two grand juries without an indictment, said "this is not a closed case by any

road Co. offices on the 15th floor of the Brown-Marx Bldg. Simmons stated that T. C. I. pays for the telephone monthly.

means. This office does not consider any case closed until the guilty persons have been found."

Chief of Detectives Giles also told of W. R. Simms, T. C. I. chief of deputies, holding a conference with

Geders, former University of Alabama instructor and representative of the National Committee for the Defense of Political Prisoners, testified

Charge Repeated

He also was a witness before the civil liberties committee at Washington this week.

Carey E. Haigler, an Alabama Civilian Conservation Corps foreman, told the committee that Hanna told him he was employed by

two grand juries which investigated the abduction.

Describing a conversation with Hanna after Gelders, a former Alabama

MANNA MADE BY GALLISTON?

"He said he was working for the T.C.I."

BY UNLISHED

Hagler's testimony was presented after officials of the committee told the committee that they did not employ investigators to spy on

NUMBER HERE

Yelverton Cowherd, Birmingham attorney, and former chairman of the Americanization Committee of

testified that he understood Hanna was employed by T. C. I. Cowherd said that he was not re- sons, commander of the unit. "They included 'Crack' Hanna and Dent Williams, both of whom Gel-

'Employed By T. C. I.' appointed chairman of the Americanization committee but that he As A. F. of L. attorney he hadders has identified."

"While I was Americanization chairman," Cowherd said, "Hanna investigated Mr. Gelders and found Asked by Senator LaFollette if he approached me and asked: 'What the firm of Benners, Burr, McKamy him a man of honest reputation, he had given the Hanna interview to the prosecutor, Mr. Cowherd said we are going to do with that so-and-for Gelders?' I replied that I didn't and Forman, attorneys for T. C. I. "After the flogging story appear-he had not. 1-15-34

know what he was going to do but Cowherd testified that 15 of the ed in the newspapers, I wrote six Was Not Summoned

that the committee and I were 17 National Guard officers in the names on a piece of paper and gave "The A. F. of L. was conducting its own investigation, since this was going to observe the constitutional T. C. I., according to a statement- its labor case, and we had no con- fidence in grand jury action by the liberties of free speech and free made to him by Maj. Harry Smith, sible participants," Mr. Cowherd prosecutor," he explained.

assembly." assistant to Brig.-Gen. John C. Per- testified.

"The prosecutor said he had detective force, who also was summoned when I was summoned as a witness today, had never summoned before either of the operated fully. Giles was handi- two grand juries."

He said he had been told by men did not seem to be available Major Harry Smith that Captain for the work.

Hanna was making threats against McClung also charged that the proof that there was. He said that Graves about the flogging. The case him and that Leon Gilbert would Jefferson County solicitor's office according to our information, was twice presented to the grand make an affidavit that Cowherd had failed to press vigorously for which I can't swear to, Hanna is jury and "no bills" were returned. had said he would be on any side in the flogging case and supposed to be employed by the or a case which offered the most that two grand jury inquiries had T. C. I. and other companies as a money.

Cowherd identified Gilbert as against the men whom Gelders had "He's supposed to keep track of the Communists."

Supporting testimony on that Testimony before the committee, Company officials earlier had stated emphatically that they had no private investigators and employed no system of espionage. given yesterday by Gelders was pre-yesterday dealt chiefly with the use of special deputies by large industries. Lenz, Birmingham coal dealer, and George M. trial concerns in the area on the grounds that local law enforcement was lacking.

The latter and Lenz' wife identified Hanna's car as the one which brought the club, Gelders' Legion "The office of sheriff in Jefferson card and broken glasses to the spot County once was worth more than the office of President of the United States," McClung remarked. He where they were found.

"Key To Solution" Lenz was summoned as a witness to the LaFollette civil liberties committee inquiry into the flogging offices who were paid by the committee Joseph Gelders, representative of the National Committee for Defense of Political Prisoners.

Lenz was identified as president of the Home Oil & Coal Co., 321st-st. n, Birmingham. His office is adjacent to a vacant field just beyond Sloss-Sheffield quarters, he said.

The investigation's first witnesses described the background of politics, labor relations, industrial power and law enforcement against which the Gelders flogging occurred. J. W. McClung, state police investigator, provided the most important sections of the picture.

McClung told how Brooks had seen an automobile drive up along the field and a man get out and scatter pieces of torn paper over the ground. Then a club was tossed out. Brooks and Mrs. Lenz took the license number of the car and, McClung testified, it was later traced to Walter J. Hanna, who "was supposed to be" in the employ of the Tennessee Coal, Iron & Railroad Co. The torn pieces of paper, recovered by police, were papers taken from Gelders' wallet by the men who flogged him and told him to "quit meddling in our business or you'll be filled with lead."

Company officials, however, testified they did not know Hanna and had not employed him.

Senator LaFollette sent a wire last night to Williams and Hanna, asking them to appear before the committee. Hanna did not answer. Williams wired that he knew nothing of the case and saw no use of coming to Washington. Senator LaFollette intimated that the two might be subpoenaed later.

McClung emphasized that in his investigation of the case he had received little aid from local law enforcement agencies although G. C. Giles, chief of the Birmingham department, had been asked to assist.

Denied By Company

LaFollette asked if there was any connection between Hanna and the T. C. I.

McClung replied that he had no proof that there was. He said that according to our information, was twice presented to the grand jury and "no bills" were returned.

He's supposed to keep track of the Communists."

Company officials earlier had stated emphatically that they had no private investigators and employed no system of espionage.

Finally McClung's testimony included corroboration of Gelders' testimony of lack of interest by Assistant Prosecutor James M. Long in pressing the case before the two grand juries.

Gelders said he was treated more as prisoner than witness when he appeared and such irrelevancies as his race and religion were brought out purposely to discredit him. He is Jewish.

Outlines Story

Gelders said he was flogged unconscious in Alabama by three men who warned him to "quit meddling in our business" or he would be "filled full of lead."

The flogging came after Gelders had intervened in behalf of John Barton, an imprisoned Communist at Bessemer, Ala., center of operations of the Tennessee Coal, Iron & Railroad Co., and other similar industries.

His story came after testimony of T. C. I. officials, whom the committee had asked about labor espionage charges.

The company officials said they could not identify Hanna or others whom Gelders charged had attacked him and warned him to leave town. Gelders said that on the night of Sept. 23, 1936, he took some literature on this case to a meeting.

"We believed as we left the meeting that we were being watched," he said.

Nose Is Broken

"After I got off the bus, I discovered somebody was following me. As I turned, he stepped up and struck me from behind. Later, this man was identified as Hanna. Then I saw more persons were there and I ran, but ran into a man named Williams. He struck me and broke my glasses and my nose. Another person appeared, I have identified him, I believe, as Leslie. They picked up another man who I believe drove the rest of the way.

"We drove another hour to a lonely country road. Williams pulled out a heavy black leather strap with a carved handle. He grabbed my heels and pulled me out of the car.

Raps Prosecutor

"Hanna gave me a lecture about meddling in our business. They pulled off my clothes except my shorts and underwear and began flogging me."

"I counted about 15 strokes and then became unconscious."

Questioned by LaFollette, Gelders said he consulted with Gov. Bibb Graves about the flogging. The case was twice presented to the grand jury and "no bills" were returned.

'NOTHING TO SAY'

Solicitor George Lewis Bailes and Asst. Solicitor James McK.

Long declined today to comment on testimony given by Joseph S. Gelders and State Patrolman James W. McClung that Mr. Long presented the Gelders flogging case to the grand jury in such a way as to prejudice it against returning indictments. Mr. Gelders testified that it was brought out before the grand jury that he is Jewish.

Both Mr. Long and Mr. Bailes said they could not comment on what happened in the grand jury room.

ALABAMA FLOGGING

A senate investigating committee under the chairmanship of Senator Robert M. LaFollette, Wisconsin, recently heard complaints by Joseph P. Gelders (white) having to do with a flogging alleged to have been administered by two detectives, supposedly working for the Tennessee Coal and Iron company.

Gelders alleged his complaint before a senate committee investigating civil liberties conditions in Alabama that: "J. W. McClung, investigator for the Alabama State police, cold-watered his evidence before a grand jury thus preventing the indictment of Warner J. Hanna and Dent Williams who abducted him in September 1935, in Birmingham, drove him 30 miles into the country and severely assaulted him."

He also declared at a subsequent police show-up he positively identified the two men, yet the grand jury failed to indict. If his testimony before the senate committee investigating conditions in Alabama is correct, then there is no such thing a civil liberties in Alabama.

The country awaits with interest the attitude of Senator LaFollette, the presiding chairman. His fairness on public questions, his training and traditions warrant the belief that some remedial action will be taken toward bringing about the proper prosecution of those involved. At least a critical exposition of Alabama conditions will acquaint people of civilized thinking with the low sense of civic morality which exists in the state.

Klu Klux Klan - 1937

Alabama.

WHY HAVE I BEEN SILENT ON SENATOR BLACK

By Dr. Kelly Miller

Many of my friends have wanted to change a single vote or
chided me for not rushing into to modify public sentiment
the arena and denouncing the calm judgment and reflection
appointment and confirmation upon such an appointment can
of Senator Hugh Black as Just best be indulged in the light of
ice of the Supreme Court. A columnist in the retrospect rather than in the
United States. A columnist in the midst of fervid controversy
who engages to discuss public I doubt whether the volume of
questions might reasonably be abuse and condemnation broad
supposed to deal with issues cast by the Negro press has had
which are brought sharply into one iota of influence upon
the national and racial focus. events. It has served merely
During the last five or six to augment the anger and ha
weeks no current question has red of the denouncers without
more violently agitated the anywise affecting the course of
public mind than the elevation Senator Black or the Supreme
of this dynamic Alabamian to Court.
the Supreme Judiciary. During I recall two instances in which
the last six months, both in the the concerted protest of the
white and colored press, I have colored people throughout the
engaged in the discussion of country defeated the appoint
the Supreme Court issue as ment and confirmation of just
proposed by President Roose- ices to the Supreme Bench
velt. The Black appointment President Taft, it was an
was merely in fulfillment of the nounced, had decided to ap
President's purpose to liberalize point a distinguished jurist to
the Supreme Bench with which the Bench. A delegation of
I am in complete sympathy. colored citizens, headed by the
No reader of mine misappre- Honorable William H. Lewis,
hends my attitude. confronted the President with
In selecting his topic the his candidate's opinion hostile
columnist must have in mind to the rights of the Negro,
one of three objects: First, to while on the circuit bench. With
contribute useful and valuable this information the President
information; second, to present decided that his candidate was
his point of view with the unfit and declined to make the
thought of influencing the opin- appointment. On another oc
ions and conduct of his read- cation when introducing Presi
ers; and, third, to furnish, dent Taft to an audience I stat
after the manner of the essay- ed the fact that the colored peo
ist, interesting and entertain- ple wanted to thank him for
ing discussion upon some im- an appointment which he did
portant current topic. not make. Upon this sally the
The white and colored press good-natured Chief Executive
has been replete with discussion cracked his sides with laughter.
of the Black appointment ever It is of recent memory that
since his name was first sent to the N. A. A. C. P. contributed
the Senate. I, therefore, had to the defeat of Judge J. J.
no information to offer that Parker, of North Carolina, be
was not already available. Ad- cause of his previously declared
vice from me would have been attitude upon the political

status of the colored race. He has devoted his energies
chiefly to industrial and eco-
So far as I know, nothing can be found in the record of Sen-
ator Black which can be proper-
ly brought against him as ap-
pointee to the Supreme Bench.
Certainly the Negro press has
brought forth no evidence. If
any citizen, white or colored,
had any damaging information
it was his duty to present it to
the Senate while the Senator's
confirmation was under consid-
eration. Otherwise, he should
forever afterwards hold his
peace. There were suspicions
that years ago he was sympa-
thetic with the Ku Klux Klan,
but no positive proof was forth-
coming. If we would place un-
der ban every public man sus-
pected of Ku Klux Klan affilia-
tion or leaning many of our
distinguished Western Republi-
can statesmen would be caught
in the net. It was, at one time,
stated in the public press that
a Ku Klux Klan initiation took
place in the White House. We
may as well expect and dis-
count blatant Republican de-
nunciations of the appointment
on purely partisan grounds.
This is an allowable part of
partisan tactics.
It is folly to assert that they
South with one-fourth of the
population is not entitled to its
fair representation on the Su-
preme Court Bench. The mere
fact that the justice is a South-
erner is no certain guarantee
that his judicial decisions will
be inimical to the rights and in-
terests of the colored race.
Chief Justice White, of Louisi-
ana, a rank Southerner, deliv-
ered the opinion of the court
outlawing "grandfather" claus-
es in revised Southern constitu-
tions. Justice Harlan, of Ken-
tucky, was the most liberal
justice, so far as Negroes are
concerned, that ever sat on the
Supreme Court Bench.
Senator Black, during his
career of ten years as United
States Senator had never en-
gaged in any anti-Negro tirade.

Klu Klux Klan - 1937

Birmingham, Ala. News

January 24, 1937

Picking The Worst Of Three Wrongs

In the series of events that might be summed up as the Gelders case there are three things which are classified as wrongs by one group or another. Some say that the activities of Joseph S. Gelders in behalf of a Communist prisoner were wrong. The flogging and robbery of Gelders are also regarded as constituting a wrong. And the parent neglect of some public officials to adopt a more vigorous attitude toward cutting the Gelders floggers is also seen as a wrong.

There are persons who condone one or the other of these "wrongs." Some contend that Gelders was manifesting only an American regard for civil and political rights, for American privileges of free speech. And there are others who argue that the activities of Gelders tended to undermine our system of government, and yet were carried in such a way that the law could not properly punish him. And there are some who admit the heinousness of the flogging but believe that the best way out of the whole mess is to try to hush it up through inaction.

The attitude of this paper is that the last two things certainly constitute wrong and the first may have been. Perhaps Gelders exceeded his constitutional rights in seeking the release of Jack Barton. That, however, is something the courts should have been permitted to decide. The courts are established for that purpose, and there has been and is now no reason to suspect that any court would not have punished Gelders upon conviction of any wrongdoing.

Upon the wrong of the flogging, this paper has written repeatedly. Its general attitude is well expressed by the words used Saturday morning by John Temple Graves II in *The Age-Herald*: "No Communist threatens the South half so much as the floggers and lynchers do. No crime, whether done by white man or black, injures the South more than the one the self-anointed committes against our civilization and government and name when they take the law into their own hands."

Of late, however, this paper has been leaning toward the conviction that the greatest wrong of all is the third, the negligence or lack of vigor on the part of responsible authorities to vindicate the law. Here we have the case of persons who should have the highest regard for the law apparently indifferent to upholding it in the

fullest dignity and strength. Among those who are supposed to feel the greatest indignation at open flouting of the law we seem to find a nonchalant attitude.

This conviction of *The News-Age-Herald* is predicated, of course, upon its belief that something more can be done than has been done to bring to justice the men who violated law and justice in flogging a man whose opinions differed from theirs. The belief grows that officials sworn to protect and defend the law have moved vigilantly and relentlessly to punish this illegal flogging.

This paper has been reluctant to believe that the responsible officials of the state and county are indifferent to the dangers of acquiescence in a flogging. It has wanted to believe that authorities revered the law and resented attacks that tended to undermine the people's respect for law. It still hopes.

Far more menacing than the political beliefs and activities of Gelders, more menacing than the dastardly flogging itself, would be the failure of authorities to use every effort to track the floggers down and convict them. Here lies the real menace to our American faiths and ideals.

These are perhaps broad statements. In support of them I want to submit the following piece of evidence. Mr. Maverick has made no secret of his intention of supporting the anti-lynching bill. That intention has been widely publicized in the press. Yet he has not received a single letter of protest from the South or anywhere else. He has, on the contrary, received innumerable congratulatory letters—and most of them were written by Southerners.

You deplore the Gelders incident. You deplore lynchings and all like acts of violence. I wonder, however, if you are not helping to defeat your own ends when you say that the right to flog, and the right to lynch, is supported by a large body of Southern opinion. There is a group of sincere and earnest men in Congress who are fighting both these evils. They are not, as you said in a previous column, exposing Alabama—or any other state, North or South—to any indignity. They need your help. They need all the help they can get. The fight to outlaw flogging and lynching will not be an easy one. There will be open and covert opposition from various politicians who are motivated principally by the fear of losing votes—simply because they are too blind and ignorant to realize that the people of the South hate lynching as much as the people of any other part of the country. It is these latter you support when you say that the right to flog is "an intelligent, literate and patriotic conviction."

Forum Of The People

Editor's Note: The following letter, addressed to John Temple Graves, II, is printed here, rather than in Mr. Graves' column, because of its length. Mr. Graves comments on the letter in his column today.

Dear Mr. Graves:
I am prompted to write you again by an interesting set of coincidences: Beginning when a friend clipped your column of Jan. 9 and sent it to me here in Washington. It so happened that, the very evening I read it, I had a long conversation with my friend, Maury Maverick, the congressman from Texas. Mr. Maverick, as you know, has declared his intention of supporting an anti-lynching bill—which bill, of course, touches directly upon the problem involved in the Gelders case.

Mr. Maverick certainly needs no introduction from me. He is not only a member of one of the first families of the South, but of America; and is a descendant, interestingly enough, from that same Judge Lynch who gave the term "lynch law" its meaning. Your correspondent, who thinks the men who flogged Mr. Gelders did a patriotic service, places much emphasis upon armed service. To him, in passing, I will say that Mr. Maverick not only served overseas but was practically shot to pieces

Alabama

in the service of his country—a country which, as far as I know, is about the grateful enough to bestow three medals upon him.

Valiant as was Mr. Maverick's service in France, it is even more valiant here in Washington. He is leading a very courageous fight and deserves the utmost support of all Southerners; particularly those of liberal leanings, like yourself. In your column you speak of flogging—and this implies lynching—as an honorable tradition; even though it is worn out. You also say that "too many of our friends agree with the writer" who resents having anything done to those who whipped Gelders. It is not my intention, since I live in another state, to interfere in the affairs of Alabama. I would like to protest, however, against the injustice your statement does to the people of the South. No matter how many persons may agree with the writer of your anonymous letter, I insist they represent only a minute fraction of the people of the South—as well as the people of Alabama. I insist that Southern people are not a race of floggers and lynchers.

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There is one other reason why I have written this letter. I have been asked several times to comment on the Gelders case but have refrained from doing so on the grounds that it was outside my province. Today, again, it was suggested that I make some statement. Rather than do this, since I feel still that the affairs of Alabama are best left to the people who live there, I thought it might be more seemly to have this communication appear in your column—

CHURCH, LABOR SEEK ACTION IN GELDERS' CASE

Baptists At Ragland, Unions Demand Punishment Of His Floggers

NEW YORK, Feb 5.—(Special.)—Half a dozen local labor unions and one Baptist church in Alabama have adopted resolutions demanding punishment for the flogging of Joseph S. Gelders, it was revealed here today by the National Committee for the Defense of Political Prisoners.

The resolutions, identical in form, cite a list of similar crimes which they state have gone unpunished in Alabama, and call upon the governor to "take such steps as may be necessary to bring about the punishment of the guilty parties and to take such steps as may be necessary to remove and punish any official who obstructs and impedes the investigation and prosecution of such crimes."

Other Cases Cited

Other cases cited were attacks upon Sam Childs, said to be a United Mine Worker, at Bessemer in July, 1935; Robert Wood, International Labor Defense organizer, at Birmingham in 1935; Bruce Crawford and other members of the National Committee for the Defense of Political Prisoners, in August of 1935; Virgil Thomas and other U. M. W. A. members in St. Clair County in October, 1935, and S. H. Dalrymple, United Rubber Workers' organizer, in Gadsden in June of last year. The labor unions and the church which adopted the resolution were listed as the Machinists' Local 261 at Mobile; the Farmers' Union, Local 367 at Lynn; the U. M. W. A. local at Lynn; the Machinists' Local 654 at York; the Machinists' Local No. 1 at Atlanta, Ga., and the Zion Hill Baptist Church at Ragland, Ala.

Sept. 23, flogged and left beside a deserted road 80 miles south of Birmingham. Since then two Jefferson County, Alabama, Grand Juries have heard evidence in the case and returned no indictments.

Commenting here today on the LaFollette committee investigation of his case, Mr. Gelders said, "The investigation shows that the National Committee for the Defense of Political Prisoners was amply justified in insisting from the beginning that Governor Graves appoint a special prosecutor to prepare a case to the grand jury. Biased Hearing

Alabama

Picking The Worst

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Forum Of The People

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Upon the wrong of the flogging, this paper ^{I am prompted to write you again because} has written repeatedly. Its general attitude beginning when a friend clipped your column of coincidences. Be-
is well expressed by the words used Saturday Jan. 9 and sent it to me before
day morning by John Temple Graves II in Washington. It so happened that, the
The Age-Herald: "No Communist threatens conversation with my friend, Maury
the South half so much as the floggers and Maverick, the congressman from Texas,
lynchers do. No crime, whether done by Mr. Maverick, as you know, has de-
white man or black, injures the South more anti-lynching bill—which bill, of course,
than the one the self-anointed committees directly upon the problem in-
against our civilization and government and involved in the Gelders case.
name when they take the law into their own hands." Mr. Maverick certainly needs no in-
roduction from me. He is not only a
member of one of the first families of

Of late, however, this paper has been in South, but of America, and is a de- leaning toward the conviction that the great-^{est} scandal, interesting enough, from est wrong of all is the third, the negligence, term "lynch law" its meaning. Your est vigor on the part of the corresponding, who thinks the men who est authorities to vindicate the law. flogged Mr. Gelders did a patriotic ser- vice, places much emphasis upon armed

Here we have the case of persons whose service. To him, in passing, I will say should have the highest regard for the law that Mr. Maverick not only served over- apparently indifferent to upholding it in the seas but was practically shot to pieces

in the service of his country—a country which, as far as I know, is about the grateful enough to bestow three medals only open forum on Southern questions upon him. The Gelders case is part of a we have.

Valiant as was Mr. Maverick's service, much larger problem. It is a problem which in France, it is even more valiant that must and can and will be solved, here in Washington. He is leading it will be solved by the people of the very courageous fight and deserves the South themselves. The majority of the almost support of all Southerners; par-Southerners—and I speak from personal knowledge—particularly those of liberal leanings, like experience—want it solved. You do yourself. In your column you speak of this majority a disservice when you imply logging—and this implies lynching—put to them the attitudes and emotions as an honorable tradition; even though of a prejudiced few. Sincerely yours,
HAMILTON BASSO.

"No matter how many persons may agree with the writer of your anonymous letter, I insist they represent only a minute fraction of the people of the South—as well as the people of Alabama. I insist that Southern people are not a race of loggers and lynchers."

These are perhaps broad statements.

In support of them I want to submit the following piece of evidence. Mr. Mayevick has made no secret of his intention of supporting the anti-lynching bill. That intention has been widely publicized in the press. Yet he has not received a single letter of protest from the South or anywhere else. He has, on the contrary, received innumerable congratulatory letters—and most of them were written by Southerners.

You deplore the Gelders incident. You deplore lynchings and all like acts of violence. I wonder, however, if you are not helping to defeat your own ends

when you say that the right to flog, and the right to lynch, is supported by a large body of Southern opinion. There is a group of sincere and earnest men in Congress who are fighting both these evils. They are not, as you said in a previous column, exposing Alabama—or any other state, North or South—to any indignity. They need your help. They need all the help they can get. The fight to outlaw flogging and lynching will not be an easy one. There will be

open and covert opposition from various politicians who are motivated principally by the fear of losing votes—simply because they are too blind and ignorant to realize that the people of the South hate lynching as much as the people of any other part of the country. It is these latter you support when you say that the right to flog is "an intelligent, liberal and patriotic conviction."

There is one other reason why I have written this letter. I have been asked several times to comment on the Gelders case but have refrained from doing so on the grounds that it was outside my province. Today, again, it was suggested that I make some statement. Rather than do this, since I feel still that the affairs of Alabama are best left to the people who live there, I thought it might be more seemly to have this communication appear in your column—

which, as far as I know, is about the only open forum on Southern questions we have. The Gelders case is part of a

much larger problem. It is a problem that must and can and will be solved. It will be solved by the people of the South themselves. The majority of Southerners—and I speak from personal experience—want it solved. You do this majority a disservice when you impute to them the attitudes and emotions of a prejudiced few. Sincerely yours,
HAMILTON BASSO.

CHURCH, LABOR
and
SEEK ACTION IN
the
GELDERS CASE

Baptists At Ragland, Unions Demand Punishment Of His Floggers

NEW YORK, Feb. 5.—(Special).—Half a dozen local labor unions and one Baptist church in Alabama have adopted resolutions demanding punishment for the flogging of Joseph S. Gelders. It was revealed here today by the National Committee for the Defense of Political Prisoners.

The resolutions, identical in form, cite a list of similar crimes which they state have gone unpunished in Alabama, and call upon the governor to "take such steps as may be necessary to bring about the punishment of the guilty parties and to take such steps as may be necessary to remove and punish any official who obstructs and impedes the investigation and prosecution of such crimes."

Other Cases Cited

Other cases cited were attacks upon Sam Childs, said to be a United Mine Worker, at Bessemer in July, 1935; Robert Wood, International Labor Defense organizer, at Birmingham in 1935; Bruce Crawford and other members of the National Committee for the Defense of Political Prisoners, in Austin, Minn.; Local "The Miners' Local Committee r

The labor unions and the church which adopted the resolution were listed as the Machinists' Local 261 at Mobile; the Farmers' Union, Local 367 at Lynn; the U. M. W. A. Local at Seale; the U. M. W. A.

local at Lynn; the Machinists' Local 554 at York; the Machinists' Local No. 1 at Atlanta, Ga., and the Zion Hill Baptist Church at Ragland, Ala.

Commenting here today on the LaFollette committee investigation of his case, Mrs. Gelders said, "The investigation shows that the National Committee for the Defense of Political Prisoners was amply justified in insisting from the beginning that Governor Graves appoint a special prosecutor to present my case to the grand jury.

Biased Hearing

"The testimony before the committee revealed that important testimony was withheld from the jury by the solicitor's office and extraneous material prejudicial to the jury was introduced.

"In general the hearing exposed the close co-operation which exists between the Tennessee Coal, Iron & Railroad Co., and certain law enforcement agencies in Birmingham."

Mr. Gelders, Southern representative of the Committee for the Defense of Political Prisoners, was abducted by four men in Birmingham

Sept. 23, flogged and left beside a deserted road 80 miles south of Birmingham.

Since then two Jefferson County, Alabama, Grand Juries have heard evidence in the case and returned no indictments.

Klan's Financial Affairs Tangled

BIRMINGHAM, ALA., Feb. 6.—(P)—Ku Klux Klan financial affairs reached circuit court here today, with the filing of a petition asking an accounting for a \$25,000 investment fund created in 1925.

The petition was filed on behalf of "Industrial Cities Klan, No. 31 KKK," and was accompanied by an affidavit from "F. J. Kelley, cyclops and presiding officer."

The court asked a "determination of disposition" as well as an accounting for the fund, and were directed against Lizzie Swann, executrix of the estate of the E. L. Swann, the First National Bank, J. T. Anthony, and Fletcher and E. L. Swann, Jr.

Circuit Judge Creel set a hearing on the petition for Feb. 10.

The petition averred the Klan turned over \$25,000 in 1925 to C. D. Gaines, G. H. Smith, and E. L. Swann for formation of the Gaines Land Company, Incorporated.

After dissolution of the corporation in 1929 the Klan contends the fund came into the hands of the First National Bank, which refuses to release \$3,494.65 on deposit until a judicial determination of ownership has been made.

Gelders Probe Is Dropped By Jury

Accused Man Is Allowed To Give Testimony

BIRMINGHAM, ALA., Feb. 6.—(P)—A grand jury decided today to make no further investigation of the abduction and flogging last Sept. of Joseph S. Gelders, representative of the National Committee for the Defense of Political Prisoners.

Robert L. Hill, Jr., jury foreman said the group made the decision after James H. Leslie, Birmingham insurance man, asked that he be permitted to waive immunity and testify in the case. Leslie was named as one of the floggers by Gelders in testimony before the U. S. Senate's civil liberties committee at Washington.

Asst. Solicitor Robert McAdory conveyed Leslie's request to the jury. It was accompanied by three affidavits that Leslie was in Talladega, Ala., the night Gelders was flogged.

After a previous investigation of the case, the grand jury returned a "no bill." A previous grand jury also failed to return indictments.

Gelders said he was abducted and flogged because of his activities in behalf of Jack Barton, held in jail at Bessemer, Ala., after his conviction under a city ordinance, since held unconstitutional by the State Supreme Court, of possessing communist literature.

GELDERS PROBE IS SOUGHT AGAIN

Civil Liberties Transcript To Be Offered Grand Jury By Solicitor Bailes

Possibility that Jefferson County Grand Jury may reopen the Gelders case when it reconvenes tomorrow was seen today with two developments in the abduction and flogging of the former University of Alabama instructor.

First, Solicitor George Lewis Bailes said he would "offer" to the grand jury a transcript of testimony taken in the cases before the Senate Civil Liberties Committee at Washington.

Secondly, James H. Leslie, Birmingham life insurance salesman, who was identified by Mr. Gelders as one of the abductors, turned over to the solicitor affidavits on his whereabouts the night of Sept. 23—time of the abduction—and offered to appear before the investigating body.

Mr. Leslie offered to testify after waiving immunity "to clear my good name in connection with this occurrence."

The affidavits submitted are from Earl O. Howell, Talladega gasoline filling station operator, Lillian Pearl Turner, Talladega boarding house operator, and Farris F. McKee, formerly employed at the Talladega branch office of the L. B. Price Mercantile Co.

Mr. Howell says he saw Mr. Leslie at 10:30 or 11 o'clock the night of Sept. 23. Lillian Pearl Turner says he spent the night at her boarding house and ate breakfast there the following morning, and Mr. McKee now employed by Broyles Furniture Co., says Mr. Leslie occupied the same room with him at the boarding house the night of Sept. 23.

Mr. McKee says he recalls that Mr. Leslie came in about 11 o'clock and asked if he might leave the light burning for a while so he might read. A little later Mr. Leslie retired, Mr. McKee says in his affidavit.

Birmingham Ala. Age Herald
November 17, 1937

THIS MORNING

by JOHN TEMPLE GRAVES, II



"How many never think, who think they do."

HOW MANY are full of learning but have no wisdom!

How many know all the problems but have no opinion! It was pleasant, on a visit to the University of Florida last week, to note the pride with which President John J. Tigert speaks of his efforts, through his general college courses, to make sure that his students learn most of all how to think and how to speak. Unless the so-called educated men and women of democratic America develop a capacity for using what they learn and for being articulate in the use, our country will be crippled indeed in competition with Fascist and Communist lands where philosophy is as definite as propaganda is loud. And within our own land the will of the aggressive uneducated may prevail over the waverings of the incoherent educated.

To think and to speak! Education which does that for a man is entitled to its name, for it does most truly "lead forth." A favored instrument at the University of Florida for such education, we were told, is the debating team. Florida's debaters have engaged successfully the teams of most of the great universities of the country. It is a sort of Florida specialty, apparently, and a most excellent one for its purpose. A man may be able to think without being able to speak and he may be able to speak without being able to think. But to succeed as a debater he must be able to do both.

Is Alabama coming to occupy a separate category from other Southern states in the extent to which it is looked upon as a land of racial and religious prejudice of Ku Kluxery and social backwardness? This writer has had much recent evidence of the awful differential, and now comes a letter from an Alabama student, graduate of Ramsay High School, who is a junior at Dart-

mouth, bearing out what we have been finding. "In this 'alien' country of New England," he writes, "I have had much opportunity to dispute the generally unfavorable impressions of the South which have been circulated hereabouts. In the past these have not been obnoxious at all; frankly, the principal topic of conversation on the subject has been playful discussion of remote subjects such as the Civil War. This year I find the situation much changed; instead of playful jibes about who won the war I find libelous, licentious criticisms, not so much of the South but of Birmingham and Alabama. And they are not criticisms by world-saving, idealistic students but by professors who are authorities in their particular fields. . . . A political science professor has been pouring forth scurrilous criticisms of Alabama politics and politicians as they appeared to him. He teed off the other day with reference to 'the Alabama intellect which nourishes the mass diseases such as the Ku Klux Klan.'"

If it were only in New England that Alabama is being looked upon as a land of special darkness we might endure the thing. But we are being looked upon thus in some of our sister Southern states, and that is beyond enduring. There are many issues before our state at this moment but the greatest of all, the one that subordinates every other, is the issue of racial and religious prejudice, of social bigotry and intolerance, of Ku Kluxery in all its works.

Former United States Senator Scott M. Loftin, who was president of the American Bar Association a few years ago, but who is a newspaper man always as well as a statesman and a lawyer, reminded an audience at St. Augustine the other day that "freedom of the press is a public trust and must never be abused." It seems to this column that the free press without which America could not go on being America is being saved today not only by the stress American publishers are putting upon its importance but also, and in greater degree, by the stress they are putting on the public trust that goes with a free press, on the fact that the freedom is not the publisher's possession but the public's, imposing upon him at least as many responsibilities as rights.

This nation will never permit the external freedom of its press to be destroyed unless it thinks the internal freedom has been destroyed already.

Klansman on Supreme Court Insult And Danger to the Country

A KU KLUX KLANSMAN on the Supreme Court of the United States is not a pleasant thing to contemplate. For example, only a short time ago

But that is what we have as a result of President Roosevelt's appointment of Hugo L. Black of Alabama.

We cannot believe that Mr. Roosevelt knew that Senator Black was a member of that horde of narrow-minded bigots, but after the many rumors were published when Senator Black's name was presented by the President, would it not have been fair to have held a hearing so all information could have been brought out?

The Supreme Court intervened and set aside the verdict of the state—holding the trial had not been fair because colored people had been barred from serving on the jury. Would a Klansman have taken the same firm stand for equal civil rights for the colored race?

Then there was the infamous Oregon school case. State legislative action to

When Justice Brandeis' name was proposed by President Wilson, hearings lasting many months were held before he was confirmed and hearings were also held after Chief Justice Hughes' appointment by President Hooyer.

But in the case of Senator Black, his name was not presented until it was known that Congress was anxious to adjourn. In spite of this, a number of senators, led by Senator Copeland of New York, Senator Burke of Nebraska, Senator Bridges of New Hampshire and Senator Tydings of Maryland, urged that hearings be held, but the White House apparently said "no" and his confirmation was rushed through.

Granting that, in spite of the manyness reach the Court, could a Klansman rumors which flew around Washington, be depended upon for impartial and un the President did not know of Senator biased judgment? The Klan itself was Black's affiliation with the Klan, would the most formidable vigilante organiza it be unfair to ask Mr. Roosevelt to de- tion of the present century. mand Black's resignation unless he can refute the charges which have been brought out? . It set itself up as a super government and when it could not control politics—

Black owes this to the country and to the President, but men such as he never resign, so it is up to Mr. Roosevelt to bring this about.

Obviously the bigotry and intolerance of a Klansman have no place on the highest judicial tribunal of the land, for the

Accept the childish bombast of its Imperial Wizards, Grand Dragons, Great Titans, Exalted Cyclops and its dog-Latin language of kreeds, klorans, klon-vocations, klecktokens and the rest!

And now we have a member of the Klan, that narrow-minded, prejudiced brotherhood, as Justice of our highest court.

President Roosevelt wanted the right to appoint six justices. His first appointment is Hugo Black, a Ku Klux Klan bigot. Will other appointments be of the same type?

What a mockery it would make of that great tribunal—that preserver of American liberty!

Paul Block
Publisher

POLITICAL NOTE

Black in White That Alabama's Senator Hugo La Fayette Black was no stranger to the Ku Klux Klan was no secret in political Washington when the President nominated him to the Supreme Court. No one who had not

been in the Klan's good graces could have
been elected to the Senate from Alabama
in 1926. So last month when Hugo Black's
nomination was confirmed neither press
nor politicians made a serious issue of the
Klan. As twelve years ago there had been
good political reasons for his making Klan
connections, so there had long since been
equally good reasons for severing them.
and no one had the slightest doubt that
his feeling for the Klan was even deadlier
than the Klan itself. Last week, how-
ever, after all its political importance
had passed the question of Hugo Black
and the Klan still seemed hot enough
to the Pittsburgh *Post-Gazette* and the
North American Newspaper Alliance for
them to start a series of articles expos-
ing it.

Written by a *Post-Gazette* Reporter named Ray Sprigle, the first article in the series told that Supreme Court Justice Black had put on his white robes to take the Klan oath in the Klavern of Robert E. Lee Klan No. 1 in Birmingham in 1923; that in 1925, more than a year before the Senatorial primaries in which he defeated anti-Klan Senator Oscar W. Underwood, Hugo Black got Alabama's Grand Dragon and Great Titans to pledge him their support for the U. S. Senate; that the next

step in the Black campaign was to write a letter of resignation from the Klan, to be produced if anti-Klan sentiment developed during the campaign.

According to Reporter Sprigle, Klansman Black's resignation was filed but never accepted and after winning the nomination, which meant the election, he reaffirmed his loyalty to Klan principals at an Alabama meeting attended by Imperial Wizard Hiram W. Evans, was rewarded by a gold Klan card making him a life member.

Said the Klan's Imperial Wizard Hiram Wesley Evans when reporters questioned him in Georgia: "I have not examined all the rolls of the Alabama Klan but I know Black is not now a member." Meanwhile the New York *Times* reported that Justice Black, vacationing in Paris, had dodged efforts of its correspondents to corner and question him. There was little wonder if Justice Black took refuge in the traditional prerogatives of the Nine Old Men of whom he now is one. Secure in a life job, he had little to worry about. If the past of the first liberal justice appointed by Franklin Roosevelt should prove more sensational than the past of conservative justices, the chief embarrassment will fall not on him but on the New Deal.

MR. BLACK AND THE KLAN

Much has been said by certain critics of the Supreme Court concerning its lost prestige, and only a few days ago President Roosevelt expressed the opinion that there has been a decline of confidence in the judicial process — a “widening chasm between the people on the one side and the courts and the bar on the other.” Those who would most insistently reject this point of view will nonetheless agree that unless Mr. Justice Brandeis can avail himself of the opportunity thus far refused, of disclaiming his association with the Ku Klux Klan, his appointment by the President will indeed cause a loss of prestige by the court and do far more to widen a chasm between court and people than all that has gone before.

before.
LABORITE FOR BLACK

Edward Keating Defends Senator's Record and His Appointment

KANSAS CITY, Sept. 16 (AP).—A labor voice was raised today in defense of the Presidential appointment to the Supreme Court of Hugo L. Black of Alabama, center of the

Edward Keating of Washington,
D. C., editor of Labor, a weekly
newspaper for twenty-one railroad
labor organizations, spiritedly de-

[illegible]

***Friends Say Aim Was to Bar Ostentation—
Senate Record Shows He Once Held That
a Man's Past Spells His Future***

Special to THE NEW YORK TIMES

No matter what the motive, few knew of the swearing-in, which took place so late in the afternoon, in the closing days of a hectic Congress and at a time when Washington was boiling in August heat. Small paragraphs printed in the next day's newspapers were the first intimation to the public that any oath had been taken, and even then it was generally assumed that

Speaker Bankhead denied in Ala-
Special to THE NEW YORK TIMES.

people will rightly say:
 "A plague on both your houses." "The expression "A plague o' both your houses" was used by the President in condemning both factions in the C. I. O. steel strike.

Borah Still Sees Court Vacancy
 Senator Borah. it was ascer-

Customarily a new Justice of the Supreme Court swears to the general oath in the robing room of the court on the day when he appears to assume office. The Chief Justice usually administers this pledge. The other or "judicial" oath is

ordinarily administered by the Clerk before a notary public if desired line—"date of entry upon duty," ascend the bench and hear argument of the Court before the new member. This was the case when Mr. Black took the dual oath in the Secretary's office, for therefor is already a full Associate The two oaths ordinarily sworn to by a new justice are both set forth in the United States Code.

The general oath reads as follows:

Has Full Powers to Act

Thus it is stated that Mr. Black, "Oath of Office." The oath to be taken during the forty-six days between the time of oath and the con-temned to any office of honor or position under the Government Printing-office. Downward the last-hand con-vening of the court, is fully entitled profit either in the civil, military or naval service, except the President, to draw his pay, hear applications for naval service, except the President, to participate in other affairs of the United States, shall be another justice. He may, it is added, as follows

**Friends Say Aim Was to Bar Ostentation—
Senate Record Shows He Once Held That
a Man's Past Spells His Future**

Special to THE NEW YORK TIMES
Only the constitutional oath
16—The been administered.

From an authoritative source it was ascertained today, Mr. Black telephoned Colonel Edwin A. Hays, the secretary, about 4 P. M. on Aug. 19 and asked that arrangements be made for the oath ceremony. Hays asked whether witnesses should be there, but Senator Black said he desired only the financial from Europe on the part of Colonel. Charles F. Pace clerk of the Senate, was requested to act as the notary.

Little Ground Is Seen for

to act as the notary. About half an hour later Senator Black came upstairs from the office of the Committee on Education and Labor to the office of the Secretary. There, Mr. Pace, the notary, offered a typewritten paper, car-

[illegible][illegible]

No matter what the motive, few knew of the swearing-in, which took place so late in the afternoon, in the closing days of a hectic Congress and at a time when Washington was boiling in August heat. Small paragraphs printed in the next day's newspapers were the first intimation to the public that any oath had been taken, and even it was generally assumed that

"Snowed out of the sand five years ago and I will show you the kind of steps he is likely to make in the same sand five years hence," he continued.
 "Show me the course he was pursuing then, and, unless there has been some great cataclysm which has absolutely changed his character, I will show you the course he is going to follow in the future."
 "It is merely according to the law of nature; it is inscribed on the human heart; it is inscribed on the tablets of the external government—the government of nature."
 Mr. Black has engaged passage home on the Manhattan, the same leading conservative of the court with sail.

Fish Attacks Roosevelt

A direct attack was made upon President Roosevelt by Representative Hamilton Fish of New York, who, in a statement, asserted that "blame and responsibility for the appointment of the white-robed senator to the black robe of a justicer to the Supreme Court rests with the President."

ACT GAVE HIM FULL POW
Earlier on the Same Day,
Leaving White House, H
Denied Any Such Plans
By LEWIS WOOD
Special to THE NEW YORK TIMES
WASHINGTON, Sept. 15.—
Black, President Roosevelt
secret order.

[illegible]

This conclusion was reached today.

The discovery that Mr. Black did not receive his appointment seven days after his appointment with President Roosevelt, and the fact that he received his commission from the President, alone from the oath to which all

The ceremony took place in the presence of the secretary of the Senate Aug. 19, and the double-barreled signature was a printed form.

Second Oath Not Previously Known

It has been known since the time of the American Revolution that some form of oath in the second degree was necessary to be taken by a member of the grand jury's office, but this was assumed to be the general or "Constitutional" oath and not that of the second degree. The general associate justice also. The second degree has been that the second degree would await his appearance when the court convenes.

When Mr. Black, according to the testimony of the experts, was made a full associate without more ado.

Discovery of the twin can...
while administration officials v...
preserving a policy of strict sil...
on the Black matter. The W...
House, where President Roos...
said yesterday that no comm...
would be made pending Mr. Bla...
return from Europe, was ut...
silent.

Cummins' General Cummings, Attorney General Cummings, on Monday termed Mr. Black'ness for the Supreme Court beyond question," canceled a scheduled press conference today. Department of Justice officials among other things, that Mr. Cummings was tired out after a trip to Washington and that social and departmental business also prevented the conference.

[illegible]

In subscribing to the novel theory advanced by Mr. Black, it is stated that the regular practice of Customarily a new Justice of the Supreme Court swears to take the oath in the robing room on the day when he comes to assume office. The Chief Justice usually administers the oath. The other or "Judicial"

ordinarily administered by the Clerk before a notary public, if desired, and here is written, "Aug 19 1937," and a declaration that the voter has taken the oath in open court unless he de- subscribed is on a regular printed form of the Government Printing Office. Down in the left-hand corner, it is understood, for the oath and there Mr. Black's natal day is may be administered anywhere, and set down. Underneath is another

But Mr. Black, it was said, is Charles F. Pace, Financial Clerk of the Senate, acted as the notary. The twin oath to which Mr. Black subscribed is on a regular printed form of the Government Printing Office. Down in the left-hand corner, it is understood, for the oath and there Mr. Black's natal day is may be administered anywhere, and set down. Underneath is another

Has Full Powers to Act

Thus it is stated that Mr. Black, all during the forty-six days between the time of oath and the convening of the court, is fully entitled to draw his pay, hear applications and participate in other affairs of justice. He may, it is added,

The general oath reads as follows: "Oath of office. The oath to be taken by any person elected or appointed to any office of honor or profit either in the civil, military or naval service, except the President of the United States, shall be

Ku Klux Klan - 1937

Alabama Supreme Court Justice Hugo L. Black.

BLACK took oath
at court justice
secretly Aug. 19.

upon me as —, according to the
best of my abilities and understand-
ing, agree to the Constitution
and laws of the United States; so.
help me God.

In Mr. Black's case, the printed-
form started with the oath of
United States judge and continued
into the general oath with only
slight verbal changes necessary to
combine the two.

Wizard at a Klorero With Black Pictured Revenge on Underwood

Dr. Evans Boasted He Would Have Made Late Alabama Senator
President in 1924 Had He Not Denounced the Klan on
the Day Before Huge Meeting to Start Boom

The Pittsburgh Post-Gazette pub-
lishes today the fifth of a series of
six articles in which it is charged
that Hugo L. Black of Alabama,
recently appointed to the Supreme
Court of the United States, was and
still is a member of the Ku Klux
Klan.

The articles were written by Ray
Sprigle, a reporter for The Post-
Gazette, and are copyrighted by
The Post-Gazette and the North
American Newspaper Alliance.

In the fifth article, Dr. Hiram W.
Evans, Imperial Wizard of the
Klan, is quoted as having boasted
that he would have made the late
Senator Oscar W. Underwood the
Democratic nominee for President
in 1924 if Underwood had not de-
nounced the Klan in a speech at
Houston, Texas.

This statement is said to have
been made by Dr. Evans at the
Klan Klorero or State convention
in Birmingham, Ala., on Sept. 2
in 1926, at which, according to
Sprigle articles, Mr. Black and
Graves of Alabama received life
membership cards in the Klan
and a celebration of their victory
in the Democratic primaries as
candidates for Senator and Gov-
ernor respectively.

Mr. Black was elected Senator
from Alabama for the first time in
1926, succeeding Senator Under-
wood. The Sprigle series has as-
serted that the Klan decided to
drive Underwood out of public life
and selected Black to replace him
in the Senate.

Evans Attacked Underwood
Senator Underwood's anti-Klan

monv with you. That was a secret

plan that I never said anything to
anybody about."

Says He Invited Underwood

Dr. Evans is quoted as saying
that he was asked to serve on the
reception committee to greet Sena-
tor Underwood in Dallas, and that
he invited Senator Underwood to
attend a huge klan meeting at the
Texas State Fair in Dallas, only to
have Underwood go to Houston the
day before and deliver his denun-
ciation of the klan.

"Think it over," continued the
imperial wizard, according to the
Sprigle article. "A man born in
Alabama, that knows you wouldn't
have had a white State if it hadn't
been for the Ku Klux Klan. He
don't deserve to be the pure-bred
son of a pure Alabama mother.
Who would make an apology for
the klan in Alabama? Who would
make an apology in the Southern
States when it preserved her civil-
ization?"

"You wondered why Oscar is
really unpopular in Alabama. I tell
you the grandsons of the riding Ku
Klux Klan of the earlier years will
never forget his kind for his be-
trayal of the fundamental patriot-
ism of the State.

"Oscar would have been nominat-
ed instead of John W. Davis, had
he just simply 'set.' There must
have been something wrong. He
just couldn't have the tradition in
him that he ought to have. That
goes deep with me. It is a question
of white supremacy. That is all
his great klan fight is. It is a
question of white supremacy."

The article also quotes the im-
perial wizard as follows:

"You know, just as soon as I can
after we get complete control in
any State into the hands of our
kind of folks, the next thing I do is
to announce a lot of public speeches
and announce the Klan is completely
out of politics and then from that
time on you don't find the Klan
operating much in politics. We just
find the Klan controlling the party
that runs the State.

When You Have All, Don't Fight

"We just get out of the public eye
entirely. I had to go to Indiana to
explain that thing to them. You

know I had to fight 9,000 for the
privilege of cutting them loose in
Indianapolis, Ind., about four
months ago. They would have
that I come up there and tell them
who they were going to elect to
some office. What do I want to
fight for, with two Senators, four-
teen Congressmen and 143 Mayors
out of 145. What in the name of
goodness did we want to fight for.
"When we've got everything there
is, don't fight. Say 'boys, let's
have peace.' I went in there with
a peace program and got it. The
nicest you ever saw.

"Over in Oklahoma we had a
awful row and it took us two years
And let me tell you about that
Oklahoma fight. The man that
runs 'The Daily Oklahoman' at
Oklahoma City had been fighting
the Klan for three or four years.
I went out there in the Spring of
this year and we didn't want any
hullabaloo. We just wanted to
win.

"We set out our program, and the
other day I read an editorial in
'The Oklahoman.' It says: 'If
we have to support kluckers for of-
fice whether we vote Democratic
or Republican, we are going to sup-
port kluckers.' We just took over
control of both parties, made the
nominations in both parties and we
are having a nice genteel race be-
tween two Klansmen for Governor,
one Republican and the other Dem-
ocrat.

"Let me tell you about politics.
That is hard to get by with. It is
hard to handle. Of course I don't
know much about it. In the first
place, I have never had any real
political experience of my own. In
the second place, I have been hav-
ing to teach these smart politicians
of the United States they don't
know anything about it for the last
five or six years, until I have come
to know I really don't know any-
thing about it."

Ghosts From the Past

Sen. Royal S. Copeland, one of the
candidates in the knock-down, drag-out
campaign for mayor of New York, is
only doing what most other politicians
would do under similar circumstances
when he seizes upon Justice Hugo
Black's connection with the Ku Klux
Klan and attempts to make personal
capital of it.

Mr. Black no doubt has regretted
many times he ever heard of the Klan.
Identification with such an organization
is something which most men today will
admit with only the greatest reluctance.
But in 1925 in Alabama and many other
sections, though it was, it was
just as expedient for an office seeker
to have the Klan's support as it is for
Senator Copeland today to roar his dis-
approval in seeking votes in New York.
We have never seen any direct evi-
dence that Mr. Black was a member of
the Klan but it has always been ac-
cepted generally that he did have the
Klan's support when he was elected to
the U. S. Senate. In that campaign he
did not go around stumping the state
boasting of Klan affiliation but neither
did he do anything to alienate the af-
fections of its members. But to raise
the Klan issue today is to call ghosts
back from the grave.

As long as there are suckers willing to
part with membership fees and dues to
the Klan, no doubt there will be some-
one ready to accept and use them but
the Klan scarecrow has been worked to
death in Alabama and the issue itself
is dead. If any effort were made to re-
vive it we are confident our people
would tolerate it no longer than it would
require to grind a snake into the dust
under their heels.

BLACK ESCAPES KLAN QUESTION

Long Walks In Streets Get
Him Away From London
Newspaper Men

By United Press. LONDON, Sept. 17.—Supreme
Court Justice Hugo L. Black took
to the streets of London yesterday
to avoid persistent efforts of the
press to persuade him to comment
on reports that he is a member of
the Ku Klux Klan.

The former Democratic senator
from Alabama locked his hotel

on a walking tour of the city.
Black, who has declined to take
cognizance of the Klan reports, re-
fused to receive telephone calls, and
let all other communications re-
garding his alleged Klan affiliation
go unanswered.
The justice found the crowds of
London a more effective insulation
against the press than isolation in
his hotel. His walking tours this
week have several times lasted all
day and part of the night.

He has said repeatedly that he is on a "private vacation" which he is determined to enjoy without interruption. He has ignored efforts of journalists to provide him with a complete "layout" of the stories from the United States.

Even hotel employees profess not to know when Black is in, explaining that he always carries his key with him.

AL SMITH TO JOIN FIGHT ON JUSTICE AS STORM BREAKS

President Silent as Attacks Rage; Other New Dealers Decry Charge; Imperial Wizard Says Jurist 'Not Member.'

WAGNER BACKS HIS COLLEAGUE

Alabaman, in Europe, Has Not Been Reached; Reopening of Matter Is Suggested by Solon.

NEW YORK, Sept. 13.—(P)—A sudden attack upon Supreme Court Justice Hugo L. Black developed today, one Democratic senator crying out "resign!" and another suggesting the justice should be driven from the bench if he held membership—as was charged and denied—in the Ku Klux Klan.

As the senatorial storm over former Senator Black grew in volume, Alfred E. Smith made plans to join his critics, in a political speech in New York city Wednesday night.

Senator Royal S. Copeland, of New York, engaged in the fight of his life as a Tammany candidate for mayor of New York city, reopened the campaign against Black which was begun before his confirmation to the court, demanding that Black quit "at once" the bench to which he just had been elevated by President Roosevelt.

Copeland Attacks.
"He should never sit on the bench," Senator Copeland said. "In all honor and decency, he should resign at once and renounce all intention of sitting on the bench."

"It is unthinkable that there should be on the supreme court bench a man who had taken the oath of the K. K. K. How can he be a true judge and enforce the bill of rights is something beyond my comprehension. He must either repudiate his oath as a Klansman, or violate his oath as the constitution?"

"Never in the history of our nation has there been a more inappropriate selection for the bench," In Massachusetts, Senator David I. Walsh quickly followed suit, asserting the President "should ask for his (Black's) resignation, if the justice had not ended any connection with the Klan."

Referring to published reports that Black had resigned from the Klan in 1925, but later had accepted a life membership in the organization, the Massachusetts senator said:

"If it turns out now that he is an actual member of the Klan, this may account for the speed with which the confirmation was rushed through the senate without full investigation and without advance notice to senators."

Walsh Not Present.
Walsh said he was not present in the senate on the day Black was confirmed, being absent in connection with his duties as chairman of the senate naval affairs committee, but that he was informed on his return, "that some senators voted for his confirmation because they did not want to do him an injustice in the absence of proof that he was a member of the Klan."

Continuing a statement he dictated to newsmen, Walsh added: "Furthermore, they inform me that telegrams were displayed in the senate from prominent Catholics and Hebrews of Alabama endorsing Senator Black and inferentially denying the allegation that he was a Klansman."

A third Democrat, Senator Prentiss M. Brown, of Michigan, said he would not have voted for Black's confirmation to the court if he believed the Alabaman was a Klansman.

"I certainly think a man who is a member of such an organization is too bigoted to serve on the bench," said Brown.

Justice Black himself was in Europe.

At the summer White House in Hyde Park, N. Y., President Roosevelt was silent on this news after attack upon his appointee—an attack which followed the publication in the New York Times of quotations from an article originating with the Pittsburgh Post-Gazette and distributed by the North American Newspaper Alliance, asserting Black had been a member of the Klan, had resigned and subsequently had become a life member.

President Silent.
But, while the President himself

had no comment, the administration itself went at once to the defense of the justice.

The Department of Justice issued a statement saying Black's "suitability" was "beyond question," as evidenced by "his record of public service and selection on two occasions by the state of Alabama as United States senator."

Dr. Hiram W. Evans, the Klan's imperial wizard, said in Waycross, Ga., that Black "is not now" a Klansman.

Senator M. M. Logan, a Kentucky Democrat and an administrationist, pooh-poohed the furore, saying the whole attack was designed to attract "New York votes."

"While I am quite sure Justice Black is not a member of the Ku Klux Klan, what would we do if he were? I have never heard of any justice being required to resign because of affiliations with any organization he may have chanced to join," said Logan.

Senator King, Democrat, Utah, said membership in any organization, "reprehensible though it might be," was no ground for disqualifying a justice.

"Nothing can be done about it now in my opinion," he added.

Senator Wagner, Democrat, New York, Copeland's colleague and as emphatic in following Mr. Roosevelt's leadership as Copeland has been in dissenting from it, said that he could support "no man for public office who subscribes to the bigoted views of an organization like the Ku Klux Klan."

Wagner Opposes Klan.

He had voted for Black's confirmation, he added, "in the belief he was not a member of the Klan. If he were a member of the Klan and I knew of it, I would not have voted for his confirmation."

The announcement that Smith would speak upon the matter came from Copeland's campaign headquarters. The former Governor already had arranged to take the Black's confirmation to the court stump for Copeland candidacy, his first speech having been booked for tonight.

Copeland, in two addresses to a member of such an organization, re-injected the Klan issue into the mayoralty race and stressed his participation in the defeat of the proposal to add new justices to the supreme court.

Speaking at a Queens rally, Hyde Park, N. Y., President Copeland declared, "I would consider it a real victory if I could attack upon his appointee—an attack which followed the publication in the New York Times of quotations from an article originating with the Pittsburgh Post-Gazette and distributed by the North American Newspaper Alliance, asserting Black had been a member of the Klan, had resigned and subsequently had become a life member."

"To contend that the courts should not be permitted by the enforcement of constitutional limitations to thwart the will of a majority is the equivalent of urging

an abandonment of constitutional government."

Copeland and Senator Burke, Democrat, Nebraska, had brought up the Ku Klux Klan issue against Black, while the senate was debating his nomination to the bench, but from various sources there came at that time denials that the nominee was a Klansman. Dr. Evans denied it; Senator Borah, Republican, Idaho, told his colleagues there was "not an iota of evidence" supporting the charge.

Senator Copeland, in renewing the issue with added vehemence, used it mainly as a local campaign vehicle. Pointing out that his pro-New Deal mayoralty opponent, Jeremiah T. Mahoney, an Irish Catholic, was steadfast in loyalty to the President, Copeland asserted this "tarred" Mahoney "with the stick of the Ku Klux Klan."

Mahoney headquarters answered briefly that neither Black nor the Klan was an issue in the New York mayoralty race.

Of Black, Copeland had said: "He should never sit on the bench. In all honor and decency, he should resign at once."

Late in the day, as the controversy gathered like a snowball, Senator Vandenberg, the Michigan Republican, said the senate "certainly ought to reopen" the matter of the Black confirmation if he should be linked to the Klan with "unequivocal proof."

KILBY SAYS HE OWNED SKETCH OF LIFE CARD

BIRMINGHAM, Ala., Sept. 13.—(P)—Former Governor Thomas E. Kilby in Anniston tonight said he once had a copy of a sketch of what purported to be a gold card life membership awarded Hugo L. Black in the Ku Klux Klan.

He said he may still have the sketch, but that he would have to search his files and could not do so before tomorrow.

"I don't know Black was a member of the Klan, but I think so as strongly as I believe Thomas Jefferson was a Democrat," Kilby said.

Kilby was Black's opponent for the United States senate when the KKK was active here.

Jim Esdale, who says he was a former grand dragon in the KKK in Alabama, said he did not know whether Black was a Klansman.

HERRING ENTERS LISTS AGAINST JUSTICE BLACK

DES MOINES, Sept. 13.—(P)—Commenting on Senator Royal S. Copeland's demand that Supreme Court Justice Hugo L. Black resign following allegations that Black is now a member of the Ku Klux Klan, Senator Clyde L. Herring, Democrat, Iowa, said today he would not have voted to confirm Black if the reports were true.

STATE K. C. HEAD CRITICIZES BLACK

But City Council Stays Out Of Klan Dispute

Hugo L. Black was termed "a political opportunist rather than a man of principle" today by Dr. A. L. Stabler, head officer of the Knights of Columbus of Alabama, who said that in his opinion "Catholics generally" oppose the former senator's appointment to the Supreme Court.

Dr. Stabler's statement, which he emphasized he was making "alone as a private citizen," followed closely a resolution by the Birmingham Council of Knights of Columbus "deploring and condemning" use of that organization's name in connection with the Black-Klan controversy.

Frank M. Curtin Jr., grand knight of the Birmingham Council, declared that group is following a strictly "hands off" policy in the matter. He emphasized that the K. C. is non-political in character.

Dr. Stabler's statement continued: "In my opinion, the Catholics of Alabama generally are not disposed to hold any grudge against Senator Black for any racial and religious prejudice he exhibited in the past."

"I believe they regard him as a politician who went along with the forces of intolerance and bigotry when they were in power in Alabama because it was the smart thing to do, just as he has gone along with the President."

Any expressions on the subject by members of the Knights of Columbus, Mr. Curtin said, "are but the expressions of individual citizens and are not to be taken as reflecting in any way the attitude of our organization."

Brewton, Ala., Standard
October 21, 1937

Black Exposure Gains End

The sudden diminuendo in the chorus over Justice Hugo Black's affiliation with the Ku Klux Klan has caused many to wonder why the clamor has subsided almost as quickly as it arose. Many have attributed the cessation of denunciation against the former senator to his radio address. Others say that the President's Chicago speech in which he pronounced a new foreign policy for the United States so far overshadowed in importance anything connected with the Black appointment that the turmoil over the latter has been all but forgotten even by the most rabid anti-Klan element.

Both reasons are somewhat logical. In spite of the fact that his past record flatly contradicts statements in his radio address to the effect that he is inherently opposed to any form of religious or racial intolerance, there are many who were willing to accept Justice Black's reply to his critics at face value and let it go at that. Naturally, any talk of war from the President of this country at a time when Europe and Asia appear to be on the verge of a conflict that may involve all of their major powers would crowd off the front pages and the editorial columns a matter that, at worst, can produce no bloodshed.

But there is a deeper reason for the let-up of the attack on Justice Black, if reliable sources close to the New Deal are to be believed. This reason is that the exposure of the new justice's Ku Klux affiliations has accomplished its purpose.

About the time of the Black appointment, there came out of Washington rumblings of a plan concocted by President Roosevelt to make Black his successor in the White House in the event the President should conclude that his own election for a third term would be doubtful. The program was to appoint Black to the Supreme Court, give him the publicity attendant on his occupancy of such a position, and place behind him the dignity and prestige that membership on that body would give, then secure his nomination by the Democratic convention in 1940. In the event of Black's election, everything would be well. Should the Republican party win the election in that year, there would still be time left for President Roosevelt to reappoint Black to the Supreme Court before the president went out of office.

The scheme was beautifully laid and sounds typically Rooseveltian. Senator-Justice Black has long been acclaimed as the only New Dealer who is more radical than the president himself. In the presidency, Mr. Black could be expected to carry on all of the socialistic ideas that might be suggested by the Corcorans and the Cohens, and with Mr. Roosevelt at his elbow, the new president would be certain to prolong, if not perpetuate, the era of crackpot experimentation in government. Such an arrangement from a Roosevelt-Farley standpoint, would have been nothing short of ideal.

But the president overlooked one important item in his set-up—the political background of his anointed. Those

who hold contrary ideas as to the manner in which affairs of this government should be administered struck a deadly blow to the scheme. They knew that the new justice belonged to the Ku Klux Klan and that, living or dead, that organization and its principles are bitterly despised by every Jew, Catholic, and Negro. To expose his membership in the Klan and force an admission of it from Justice Black was all that would be needed to end forever any possibility of his receiving the Democratic nomination for the presidency. There are too many Jews and Catholics and—spare the thought—negroes in the Democratic party for any man who admittedly wore the robes of a Klansman ever to muster the necessary number of votes.

So the exposure was made, Justice Black publicly admitted that which he knew he could not deny, and the purpose of those who sought to place an insurmountable obstacle in his path to the presidency that is said to have been laid out so carefully by Mr. Roosevelt was accomplished.

Those who made the exposure of Black's membership in the Klan knew that it would have no effect whatever on his taking his seat on the Supreme Court. They also knew that, once appointed and confirmed, Justice Black could only be removed by impeachment and that only his conduct after he took the bench could be a basis for any impeachment proceedings. They had but one object in view and, having accomplished that, they felt that it was unnecessary to prolong their work.

Unless future political developments are such as to indicate that there is again some scheme on foot to put the radical Black in the White House, his membership in the Klan will probably not be heard of again. But if there is a revival of the reported scheme to have the Roosevelt mantle fall on Black shoulders the justice may rest assured that his life membership card in the order will again turn up to haunt him.

Johnson City, Tenn. Press
October 27, 1937

What Others Say

INFORMED BY A FREE PRESS

The whole American people know that Mr. Justice Hugo Black belonged to a secret political society which is inimical to Jews, Roman Catholics and Negroes because they are served by a free press. If the incident had occurred in Russia, Germany or Italy, from which countries the Roosevelt administration has borrowed political ideas, the news would have been suppressed. Conditions prevail in countries wherein newspapers are controlled by government which do not prevail in the United States for the reason that some conditions cannot stand the light of newspaper publication. The first amendment to the Federal Constitution has stood between the American people and designing politicians in times of crisis. When the Roosevelt Blue Eagle, emblem of the National Re-

covery Act, was in full flight, the chief of the ballyhoo section was its keeper and there were suggestions that American newspapers should be licensed by the federal authority. The first amendment to the Constitution interfered with this political maneuver. If the Federal Government could license the press, and had done so, who believes that Mr. Justice Black's record, from which he shied, would have been disclosed in the newspapers?

Because they have a free press, the American people have what is going forward in this world. They know it promptly and truly. They do not read reports which have been approved by censors of any sort. They know now more about the Sino-Japanese war than the Japanese do, more about German and Italian conditions than the Germans and the Italians do, more about French difficulties than the French do. Its uncontrolled newspapers inform the country fully and freely.

Newspapers can live under censorship, but where the press is controlled by selfish politicians the people read only what the bosses wish them to read. The people pay a much greater price for censorship than newspaper publishers do. Their press being free, the American people, from time to time, have been warned fairly when their rights were in peril. They have been warned of the danger to them if workers in all spheres should be regimented as they are in nations under dictatorship. If the American people should lose liberties it would not be because they were not on notice. The exposure of Mr. Justice Black was an earnest of the purpose of a free press to warn a free people.—Charleston News and Courier.

BAR IN SENATE PLEA

Convention Asks Public Inquiries on All Future Court Nominees

AVOIDS NAMING OF BLACK

Plan for Judges to End Close Decisions by Voluntary Ac- tion Is Shelved

By LLOYD ACQUER
Special to THE NEW YORK TIMES.

KANSAS CITY, Oct. 1.—As a means of preventing controversies such as has followed the naming of Justice Hugo L. Black to the Supreme Court, the American Bar Association today adopted a resolution petitioning the United States Senate to hold public hearings on all future judicial appointments. The Assembly and the House of Delegates of the association concurred. Another resolution bearing on the court issue, which would have asked judges to take voluntary action to end close decision on constitutional questions, was referred to the new special committee which has been set up to continue the association's opposition to President Roosevelt's plan to remake the Supreme Court. In the only other business of today's short session, the Assembly heard an address by Arthur T. Vanderbilt of New Jersey, incoming president of the association, and ended the annual convention, in by a substantial minority of judges session since Monday. Mr. Vanderbilt's speech, dealing with relations between the bar and the public, stressed the need for lawyers to lead in the fight against what has been described at the convention as Federal administrative bureaus acting on the one hand as prosecutor and on the other as judge and jury in cases arising out of the statutes which they themselves administer.

Black's Name Not Mentioned

Although the name of Justice Black was not mentioned in the compromise resolution adopted, the history of the proposal indicated clearly that it had been inspired by his case. The original motion would have called for an investigation by lawyers into the circumstances surrounding the naming of the "latest appointee" to the high court.

A substitute proposal was referred back to the Committee on Resolutions, which approved today's draft, reading as follows:

"Resolved, that the American Bar Association petition the Senate of the United States to establish a rule requiring every nomination for judicial office to be referred to an appropriate committee, and providing that such committee shall in every instance afford a full public hearing upon matters touching the fitness and qualifications of the nominee for the judicial office."

"And be it further resolved that a copy of this resolution be transmitted by the secretary of the American Bar Association to the Vice President of the United States with the request that it be laid before the Senate on the first day of the next session of Congress."

In addition, members of the convention demonstrated their interest in the Black matter by so many inquiries concerning the speech to be broadcast by Justice Black in the evening that it was announced that loudspeakers would carry the address to an evening session devoted to entertainment.

"Minority Decisions" at Issue

The resolution to memorialize judges on the subject of close constitutional decisions was disapproved by the committee on resolutions before it was submitted to the membership.

It would have asked the courts to consider that a dissenting opinion ended the annual convention, in by a substantial minority of judges in cases involving constitutionality was evidence of a reasonable doubt. In such cases, the resolution declared, the reasonable doubt should be resolved in favor of the Legislature which had passed the statute, and the statute should be upheld.

Supporters of the resolution argued that this view was widely held by laymen, and that, in its efforts in behalf of maintaining the independence of the courts, the bar would ultimately be forced by public opinion to adopt a similar view. Opponents contended that the pro-

posed change would substitute minority rule for majority rule in the welfare of the public foremost. The debate was ultimately cut short by the decision to refer to committee.

Mr. Vanderbilt, having been unopposed for the presidency, will take office tomorrow at a meeting of the board of governors scheduled to consider the routine business of the association. The meeting will decide also on the next convention city, members of the board said with the probability that it will be Cleveland. Mr. Vanderbilt was nominated for his new office last January.

Warns on Administrative Bureau: Frederick H. Stinchfield, the retiring president, presided at today's meeting of the assembly which was addressed by Mr. Vanderbilt. The latter declared that the growth of administrative bureaus and "the executive justice administered by them" constituted the greatest problem before lawyers.

The association's House of Delegates, earlier in the convention, had adopted a resolution calling upon administrative boards and bureaus to issue rules and regulations explaining their stand on the statutes they administer, and to establish boards of review to which citizens might take grievances. Declaring that officials of these administrative boards now file complaints and then judge them, Mr. Vanderbilt said:

"I am not discussing any mere theory of separation of powers. I am concerned with one body making the rules of game, playing the game as one of the teams and acting as umpire at the same time, and then writing up the newspaper reports next morning."

"I am even more concerned that the judge, who is really a judge no matter what his title, should have a short term and often no tenure of office, and be obliged to live in a political atmosphere."

"I am particularly concerned because he tries issues of far-reaching importance many of which are of more moment than those tried by an ordinary judge. I am more concerned because I cannot obtain the same review of his decisions as I can that of an equity or admiralty judge."

Demands Right of Review

"I cannot see why the findings of fact of a trained equity or admiralty judge should be subject to review (as the experience of centuries has shown is essential and indispensable) and the findings of fact of a commissioner, who is often without legal training, in cases far more complicated than ordinary equity and admiralty suits, is subject to far less rigid review."

In other parts of his address, Mr. Vanderbilt declared that the best interests of the legal profession were identical with the best interests of the public, and that the bar must, in its organized policies, put the welfare of the public foremost. Listing services performed by the Bar Association in the past, he cited the efforts of organized lawyers in policing their own professional activities of undesirable attorneys and illegal practitioners of law; the efforts to raise standards of law schools and the establishment of canons of professional ethics. This service must continue with improvement of the administration of justice, which "as a system, has not kept pace with the needs of the times," Mr. Vanderbilt said. Problems he listed for the consideration of lawyers included the growing number of deaths by accident, the large toll exacted from the country by crime, and the problem of judicial selection in some States. The House of Delegates, at its final session, adopted a resolution paying tribute to the memory and achievements of Elihu Root, who died since the last convention at Boston.

Senate Committee Criticized

By The Associated Press.

KANSAS CITY, Oct. 1.—The American Bar Association's demand today for public hearings by the Senate on all judicial nominations was a last-minute compromise on a week's agitation for some expression on the Justice Black question.

Lessing Rosenthal of Chicago, a leader in the demand for Senate hearings, told reporters:

"This thing was inspired by what the Senate committee did on the appointment of Black. When evidence was to be presented which I regard as being of utmost importance the Senate committee refused to allow the evidence touching on the qualifications of Hugo Black for appointment to that high office."

Robert Lee Tullis, 73-year-old former dean of law at Louisiana State University, made a protest against the ignoring of his request for a public expression on "the latest appointee to the Supreme Court," but was ruled out of order.

It was Mr. Tullis who tossed the Black question into the convention at the outset.

At Monday's opening he offered a resolution condemning judicial membership in secret societies "actuated by a religious or racial animosity," and asking the bar to appoint an "impartial committee of five to investigate the relevant facts" of the Black appointment.

When the resolutions committee recommended that his suggestion be rejected, the Southerner struck the investigation clause and the Assembly, after a heated debate, sent back to the committee, together with a recommendation for public Senate hearings on future appointments. The latter was made by Mr.

Rosenthal. "It is regrettable that this association did not record its view, as signing as the reason that nothing could be done about the Black appointment," Mr. Tullis said on the Assembly floor today in one final effort to get consideration of his proposal.

"If nothing could be done something could have been said, for the words of this association carry weight."

Cries of "question" interrupted his argument and the substitute went through.

GREEN KEEPS SILENT OVER BLACK'S SPEECH

But Other Labor Leaders at Denver Declare the Justice's Explanation 'Satisfactory'

Special to THE NEW YORK TIMES.

DENVER, Oct. 2.—William Green, president of the American Federation of Labor, declined today to comment on Supreme Court Justice Black's radio address. Mr. Green said that he would have nothing to say and all efforts to elicit some hint of his feeling were unavailable. It is known that Mr. Green was a personal friend of Senator Black and admired his liberal stand on labor bills as well as his pro-labor record during his earlier career in Alabama. However, it was said, that when he learned that the Senator had once been a member of the Ku Klux Klan he notified his disappointment to associates.

Arthur O. Wharton, president of the International Association of Machinists, said that the address of Justice Black was "sound and temperate."

"I think his explanation was a fair statement of the case," he said. "So far as I am concerned, I accept it unreservedly. The record of Justice Black in the Senate was a fine and liberal one and I think the incident should be closed."

"Railroad labor compliments the President on the appointment and nothing that has taken place requires railroad labor to change its view," was the comment of George M. Harrison, president of the Brotherhood of Railway Clerks and chairman of the Railway Labor Executive Association.

Edward Manion, president of the Order of Railway Telegraphers, said:

"I think the explanation by Justice Black was satisfactory. In my opinion, it was not his Klan affiliation that was attacked as it was an attempt to discredit the President. Labor is 100 per cent behind the

President and 100 per cent behind Justice Black."

MR. BLACK'S REPLY

If Mr. Justice Black had been able to deny his earlier association with the Ku Klux Klan, a simple statement of a few words would have been sufficient for the purpose. That statement could have been made in Paris weeks ago. It could have been made promptly, as soon as the question was raised by newspaper articles alleging his Klan membership; for before even a word of news about those charges appeared in print Mr. Black was offered an opportunity to deny them. He rejected that opportunity, as he rejected subsequent opportunities. The simple statement of his past membership in the Klan was never made. It is now clear why it was never made. The charge was true.

Resort to a radio broadcast has now given Mr. Black an opportunity to accompany a belated admission of the charge with a defense of his own record in the Senate and a firm declaration of his belief in American traditions of tolerance and freedom. What he says on the latter subject is entirely praiseworthy. But it does not erase the fact that a man who once wore the peaked hood of the Ku Klux Klan now sits upon the bench of the Supreme Court of the United States.

As Mr. Black described the situation in his address last night, the episode of his Klan membership lies in the dim and unimportant past. What matters now, he believes, is his record in the Senate. But in this record there is one fact which reaches directly back to touch his connection with the Klan. This is the fresh fact, still less than two months old, that when Mr. Black's nomination to the Supreme Court was before the Senate in late August, and when the question arose of his Klan membership, and when assurance was given in open debate on the Senate floor that he had had no connection with the Klan, Mr. Black chose to stand by in silence.

This fact is in the record. It is not a pleasant fact. But it is overshadowed in importance by the past association which Mr. Black himself confirms. Regardless of when and how he severed his connection with the Klan; regardless of his record since he left it; regardless of the present views he holds, and his affirmation of faith in the principles of racial and religious tolerance, it is a deplorable thing that a man who has ever taken the oath of allegiance to a sinister and destructive organization

should now take his place on the highest court of justice in this country. It is deplorable because the Ku Klux Klan has been the active embodiment of forces that were mean and dark and evil in the life of the American people; because it has stood for bigotry and persecution, for the denial of all that is cherished by this nation in the name of civil liberty and human freedom; because it was, still is, and will remain symbolic of the spirit of lynch law and of "justice" administered by masked men in the sheltering darkness of the night.

We do not believe for a moment that Mr. Black would have been nominated by the President for the high office he now holds, or confirmed in that office by the Senate, if either the President or the Senate had known what they know now. There were other men than Mr. Black available for appointment to the court who would have brought to the bench no record of association with the Klan. There were other men as radical in their economic views and loyal to the Administration in their political allegiance, if this is what was wanted as a substitute for judicial temperament and training. The nomination was a tragic blunder: a case of acting without adequate consultation and an example of political adroitness which overreached itself. At every session of the court the presence on the bench of a justice who has worn the white robe of the Ku Klux Klan will stand as a living symbol of the fact that here the cause of liberalism was unwittingly betrayed.

The Conservatives and Mr. Justice Black

Dorothy Thompson, The New York Herald Tribune's syndicated Prophetess of Doom, is deeply concerned for the spiritual health of the public. So is an anonymous editorial writer in The New York Times. Their concern revolves about the attitude of this journal toward the case of Mr. Justice Black and the Ku Klux Klan. Both of them accuse us of betraying the principles of liberalism by being willing to condone Klan membership in order to support an individual who is, in general, on our side of the fight. The only trouble with the charges made by Miss Thompson and The Times is that they have no relation to reality. Both writers take a single sentence out of a long article and imply that it is a full and fair statement of our policy. The sentence in question was part of a list of the things that might be said in Mr. Justice Black's favor, following a list of the things that might be said against him. The point is, of course, that neither Miss Thompson nor The Times editorial writer actually read our article. They read only the imaginary article that they had expected to see written by someone on the other side of the fence from themselves. Their action is not very edifying as ethical journalistic practice and hardly important by itself, but it is striking evidence of the bitter partisanship of politics in these days.

The Position of Justice Black

Justice Black speaks tonight on the grave charge that he is a member of the hated Ku Klux Klan.

The Klan stands for everything repulsive, for racial and religious prejudice, for violence and lynch rule.

Justice Black's duty is not any less to the American people because the charges have come from the most reactionary cliques in the country's political life, from the Hearst crowd, from the gang that has itself the closest connections with Ku Kluxism.

Justice Black must strongly affirm his belief in civil and religious liberties. He must reject completely every shred of support for Klanism. He must declare his determination to enforce the Bill of Rights and the 13th, 14th and 15th Amendments for all Americans without regard to race, color or creed.

And he must do this in unmistakable terms in terms that will leave no doubts.

He must repudiate whatever may be reprehensible in his past and strongly affirm his democratic pledges for the future.

The reactionary press has, of course, been howling for blood in the Black case, not because it is interested in fighting Klanism and reaction, but, on the contrary, because it wishes to support reaction in its attempt to knife the Supreme Court reform plan. Black made a liberal record on many issues in the Senate and this has made him a target for anti-labor reaction. That much is now pretty clear, and becoming clearer to more Americans every day.

In trying to knife the Court reform, the Tories, with their suddenly discovered moral indignation over racial prejudices, are trying to knife the social program which the American people need so badly.

In knifing the Court reform, the Tories are trying to knife all progress and all progressivism.

Justice Black, if he takes a strong stand against Klanism and everything that it implies, will also be hitting at the enemies of the people.

Levitt contends that Justice Van Devanter is still a member.

While the court may take the motion under consideration and decide it later, Washington students of the Supreme Court believe that as soon as it is made the Chief Justices will announce briefly that it is denied or granted.

Interst in Washington in the opening of the Fall session is higher than at any time court at-tachés recall. Special preparations are being made for a record-breaking crowd of spectators eager to be present at what they expect will be a stirring scene when Justice Black appears. Special police are to stand guard outside the court to prevent any demonstration, it was said.

New Deal Tests Offer Problem

One of the questions being asked tonight in Washington has to do with the possibility of the new justice taking part in the consideration of, and voting on, high court actions involving New Deal legislation that he either sponsored directly or supported vigorously while he was in the Senate.

This is apparently a question that Justice Black himself must answer, since the court imposes no rule of

conduct on its members affecting cases or laws in which they have had a remote or even direct interest before their appointment to the court.

However, there is a tradition under which in the past justices have declined to consider and act on the litigation of questions with which they have previously been identified in their suits involving companies in places on the bench for the opening of a new term, which will bring up for their consideration a number of important cases bearing on vital policies of the New Deal.

Special to THE NEW YORK TIMES.

WASHINGTON, Oct. 3.—At noon tomorrow the nine Justices of the Supreme Court will take their places on the bench for the opening of a new term, which will bring up for their consideration a number of important cases bearing on vital policies of the New Deal.

Of first importance in public interest, however, is a petition disputing the right of Justice Black to take his seat. This petition, which questions the eligibility of the new Justice and in no way refers to his former membership in the Ku Klux Klan, is to be presented tomorrow by Albert Levitt, a former Assistant Attorney General.

Mr. Levitt bases his motion on the ground that while still Senator Mr. Black voted to increase the compensations of the office he now holds, and further, that there is no vacancy on the bench. Mr.

Justice Sutherland, a former Senator, is the only present member of the court who formerly sat in Congress, and the records do not disclose constitutional litigation involving laws passed during his Senate service. The same was said to-day of the late Justice White, who also was a Senator.

There was an interval between Mr. Sutherland's service in the Senate and his appointment to the court, but Justice White went directly from Congress to the bench. While the elevation of Mr. Black has given rise to a belief that his presence in the court will tend to lessen uncertainty over the upholding of some New Deal laws, those who have studied the question point out that if Justice Black takes the position that he should not pass on such legislation, his addition to the court may have little practical effect for the Administration on laws already on the statute books.

Senator McNary, the Republican leader, brought up the question during discussion of the possible appointment to the Supreme Court of the late Senator Robinson as to what an Administration apparent in Congress might do when a member of the court should be faced with litigation over New Deal legislation.

Issue Raised by McNary

At that time Mr. McNary was quoted as expressing a belief that Mr. Robinson would not sit with the other Justices in cases involving laws that, as the Democratic leader, he had guided to enactment. Mr. Black was a member of the Senate for eleven years and has voted on nearly every New Deal measure of any importance. He guided the Utility Holding Company Bill in its journey through the Senate and it is regarded as certain that this measure will reach the court for a test of its validity before the end of the present court session.

There are five cases pending involving the Wagner Act, which was sustained by a five-to-four ruling last year. There are also legal contests over the Government's authority to finance publicly owned hydroelectric plants in competition with privately owned power plants; the challenge by three Florida companies of the right of the Securities and Exchange Commission to subpoena telegrams to aid in an investigation; and the question, raised by Massachusetts milk dealers, in which the court is asked to review

CONTEST ON BLACK FACES HIGH COURT AT OPENING TODAY

Hughes Expected to Rule at Once on Levitt Plea Based on Legal Status

KLAN ISSUE NOT INVOLVED

Eligibility for Job Whose Pay He Allegedly Voted to Raise Is the Main Point

RECENT LAWS A PROBLEM

Capital Wonders if He Will Sit in Judgment on Measures He Sponsored or Helped Pass

its decision on the AAA to see whether the whole statute was invalidated by its previous ruling or only that part of it concerning the processing tax. Other cases of like or greater importance to the Administration also will be heard.

New Challenge to Black Looms in Suit Of Florida Oil Men on Seized Telegram.

The district judge held that the subpoenas violated constitutional guarantees and an injunction was issued. The Circuit Court reversed the possibility of a new challenge to the lower court.

WASHINGTON, Oct. 12.—The Justice Black's right to sit in the John C. Canfield of Bryant Pond, Supreme Court was seen today Oxford County, Me., stated today when it was learned that the court that he had written to the Supreme is due to pass next Saturday on a Court yesterday asking permission protest of some Florida oil men to file a "petition questioning the against seizure of private telegrams constitutional right" of Justice by the Securities and Exchange Commission.

Justice Black insisted as a Senator as a "citizen," declared that the tor upon the right of seizure of bath of the Ku Klux Klan was "in- telegrams by the Lobby Committee, mical" to religious liberty and free- which he headed, an action which dom, and his own rights had been led to a storm of denunciation.

Should he participate in deciding on this petition for review—and it is by no means certain that he will—the oil men, if rebuffed, could, it is asserted, tell the Supreme Court that their cause had been injured.

In a Senate speech March 5, 1936, the then Senator from Alabama said:

"I will state very frankly that in my judgment if any judge ever issues an injunction to prevent the delivery of papers summoned by this body, the Congress should immediately enact legislation taking away that jurisdiction from the courts."

Lawsuits resulted from the efforts of the lobby committee to use the telegrams and in the principal case William Randolph Hearst failed in the District of Columbia District Court in his demand for a broad injunction.

The District Appellate Court, through Judge Groner, supported the lower court, but the judge wrote a stinging condemnation of the Federal Communications Commission for seizing the telegrams and handing them over to the Senate committee.

The Florida oil men's petition quotes this language. The case is brought by Frank J. Ryan and the Ryan Florida Corporation and by the Florida Texas Oil Company against the SEC.

A Western Union manager at Tampa was directed by subpoena in March to produce telegrams of the Ryan interests and the Postal Telegraph manager at St. Petersburg to supply telegrams of the other concern.

Whether Justice Black participated in any conference action on the petitions brought against him was not known, but it was assumed that, following a long line of precedents, he stood aside.

Nor was it revealed if he joined in deciding on review of other demands. He received none of these papers for study during the time between his taking of the oath and his arrival in Washington about ten days ago.

CONTESTS ON BLACK BELIEVED DECIDED

Justice Quits Court Meeting
Long Before It Ends, a Sign
That He Excused Self

300 CASES SEEK REVIEW

Accumulated in Recess, They
Include New Deal Tests,
May Be Acted On Monday

Special to THE NEW YORK TIMES.
WASHINGTON, Oct. 9.—Justice of the Supreme Court met today in a final, secret conference of the week, at which, it is believed, they decided the course they will take on the motions made Monday by Albert Levitt and Patrick Henry Kelly to remove to associate Justice Black his seat on the high bench.

Announcements upon these proposals are expected Monday when the court meets to hand down orders. There is a general belief that both will be rejected.

Today's closed consultation was the third of the week, all held to pass on about 300 petitions for review accumulated during the summer months and read by the jus-

tices since the court adjourned last June.

Some of the pleas concern high points of the Administration's New Deal program, including legislation on labor relations, the Government's gold policy, the fight over regulation of the security markets and of the grain exchanges, and also the Government's drive attempting to dissolve the Aluminum Company of America.

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Large Crowd Is Expected

Although the first business day of the court is always an interesting event, particular attention will attend Monday's session and center on the fate of the anti-Black petitions. Fully as great a throng as a week ago is expected to seek admission to the chamber.

Mr. Levitt argues that Mr. Black is ineligible because the Alabamian while a Senator voted to increase the emolument of his present office and because, Mr. Levitt asserts, there is no vacancy, inasmuch as Justice Van Devanter retired instead of resigning.

Mr. Kelly covers the same ground and also holds that the Summers-McCarran Retirement Act under which Mr. Van Devanter stepped down is invalid because Congress could not relieve justices of their labors without their resignation.

Few observers here think either Mr. Levitt or Mr. Kelly can prove himself a legally "interested party" and thus it is asserted that the court can throw out the demands on well established grounds.

Both might, in further moves, try to force "quo warranto" proceedings, that is, to ask by what warrant Mr. Black holds his new place, but here again, legal experts say, the court could use former decisions to show the plan illegal.

Only the Attorney General may begin such proceedings, and it may be said with certainty that Mr. Cummings has no such intention. Attempts to mandamus him into this action would also fail, it is declared on all sides.

The labor relations cases up for review Monday ask whether the Labor Board may hold hearings on charges of unfair labor practices at the Newport News Shipbuilding and

Dry Dock Company and one of the yards of the Bethlehem Shipbuilding Company.

Other cases affecting the Pennsylvania Greyhound Lines, the Jeffrey-DeWitt Insulator Company of West Virginia and the Delaware-New Jersey Ferry Company will be passed upon at another session.

Cases Contesting Gold Act

In the gold cases, Arthur Machen of Baltimore wants the Treasury to pay interest on a Liberty bond called for redemption before the maturity date, and Charles Ogden of Indianapolis demands redemption of his bonds in gold according to the clause written on them. The court has already agreed to review gold-policy suits brought by Robert A. Taft, son of the former President and Chief Justice.

Attacks on regulation of grain trading come from the Chicago Mercantile Exchange, and the Chicago and Kansas City Boards of Trade, which challenge the Commodity Exchange Act, outgrowth of the old Grain Futures Law.

The power issue reaches the court on a procedural question, merely whether the Georgia Power Company may concentrate its struggle against the TVA in Eastern Tennessee Federal District Court after losing in the Northern Georgia Federal District Court.

Review of a contest by the Alabama Power Company against Public Works loans and grants to publicly owned utilities has already been granted. The Duke Power Company also has pending a petition against a \$2,582,000 loan to the project at Buzzard Roost, S. C., but this will not be acted on Monday.

A test of the provisions of the Securities Act of 1933 is brought by Charles Martin of Indiana, who wishes to recover damages from directors of a distilling company, his investments being induced, he asserts, through alleged untruths in the registration statement.

Closely allied to the labor cases is one from Milwaukee affecting picketing of an establishment by non-employees to force preferential hiring of union men.

Of special interest to New York City are an appeal from the New York censorship law in the case of the film "Ecstasy"; fights by transit corporations against an unemployment relief tax imposed by the city; and the effort of Charles E. Mitchell, once chairman of the National City Bank, to prevent payment of a \$728,739 deficiency income tax for 1929.

Black Leaves Meeting Early

By The Associated Press.
WASHINGTON, Oct. 9.—The belief that the Supreme Court decided this afternoon whether to permit further proceedings on the two challenges against Justice Black was strengthened by the fact that the new justice emerged from the secret conference of the court members long before the meeting was over.

This indicated, it was held, that

he excused himself while his colleagues discussed his eligibility to serve.

Mr. Black remained secretive about his goings and comings, and his office continued to reject telephone calls.

THE END OF A CHAPTER

So far as the official record is concerned, and except for some Senatorial protest which may be instituted by those members who cast their votes in ignorance of the facts, the appointment of Mr. Justice Black is now a closed incident. The action of the Supreme Court yesterday, in ruling out an attempt to contest the appointment on technical grounds, has given Mr. Black a clear title to his place on the bench. Meantime the Administration has already made it abundantly clear that there is to be no official comment on the disclosure of Mr. Black's past membership in the Ku Klux Klan.

Mr. Black now takes his place in the councils of the court. It must be hoped, by those who have deplored his appointment as well as by those who have favored it, that his abilities will ripen with the great responsibilities which he assumes. On the bench of the Supreme Court he will have an opportunity to profit from close association with experienced colleagues. And among these colleagues he will find men who have been holders of liberal opinion over a period of many years, but whose insight and whose understanding of the times in which they live have long since taught them that zeal for reform which tinkers with the safeguards of liberty is mistaken zeal, and that the cause of liberalism is best served by preserving a system of orderly government in which liberalism itself is free to function.

Meantime, if there is any present salvage in the appointment to the highest court of justice in the United States of a former Klansman whose connection with the Klan was not revealed when his nomination was before the Senate and before the country, this salvage lies in certain possible incidental consequences. The record in this case ought to hasten the end of the indefensible practice of "Senatorial courtesy." It ought to stiffen opposition to the plan of increasing the membership of the Supreme Court as a means of influencing its decisions. And it ought, finally, to cause the President to raise the standard of his judicial appointments—a matter in which his past record constitutes one of the weakest points in his Administration. Future vacancies in the Fed-

eral courts ought to be filled by the selection of men of outstanding experience, deep wisdom and judicial temperament, whose elevation to a position of great public trust will give assurance for the future.

CHALLENGERS FAIL

Special to THE NEW YORK TIMES.

Their Legal Interest as to Justice Not Shown, Hughes Declares

MORE ATTACKS HINTED

Black Took No Part in Day's Cases, Several of Which Will Test New Deal

The Supreme Court rejected challenges to Justice Black's right to sit, holding that the appellants failed to show sufficient legal interest. [Page 1.]

In more than 300 orders clearing the ground for the term the justices admitted for review two suits disputing the labor board's powers. Other New Deal matters will also be considered.

The question of tax immunities of Federal and State employees was admitted for study in several cases illustrating both phases of the issue.

Attorney General Cummings told the Polish Alliance that modern problems can be met by modified Supreme Court rulings, or in extreme cases, by amendment, but leaving the Constitution undamaged.

Black Contests Fail

"The motion papers disclose no interest upon the part of the petitioner other than that of a citizen and a member of the bar of this court. That is insufficient. It is an established principle that to entitle a private individual to invoke the judicial power to de-

The demand made by Mr. Levitt and refused by the court was for

The Supreme Court ruled that Oliver P. Newman as Dis-
tinct right to sue a petition charging-shipping of Justice Black in the Ku
the right of Justice Black, on Klux Klan been brought into the "to invoke the judicial power to restrict of Columbia Commissioner, in
first, that he, while Levitt-Kelley contest.
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ated when Justice Van Devanter out a dissent. This case was or is immediately in danger of sus-torize a private citizen to begin
retired and did not resign. brought by Massachusetts for her-taining some direct injury as a re-quo warranto proceedings. Holding
Mr. Kelley moved the same-gelf and her citizens against Sec-sult of its importance, and not that only the Attorney General
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on the Summers-McCarran Retirement the Children's Bureau, challenging indefinite way in common with peo-ion if no to say:
ment Bill, asked for a hearing on the validity of a Federal statute ble generally."
Justice Black's right to occupy his appropriating money to assist The Frizzell vs. Newman case by a private citizen set out any
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In no way has the past member-and maternal welfare.

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SPECIAL TO THE NEW YORK TIMES.

WASHINGTON, Oct. 11.—Th

MORE ATTACKS

Test New Deal

Black Contests Fail

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vs. Judges, 179 U. S. 405, 406; matter," he went on. "If a private citizen informs the truth of the possession, 18
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Contest Is Indicated

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its face that it was a cause or action belonging to the whole body of the public and which, therefore, should be prosecuted by the public representatives."

Justices McReynolds and Pitney dissented in the result of the case, and Justice Van Devanter objected on a technical basis.

Tyler Case Thrown Out

The Tyler case, first one cited in the Chief Justices announcement, and rendered by Justice Brown Dec. 17, 1900, was the result of a court division of five to four. Mr. Tyler's plea in a land dispute against the Massachusetts Court of Land Registration was denied, in the words of an official syllabus, partly on the ground that it was necessary for a protestant to show "that he is personally interested in the litigation and has been, or is likely to be, deprived of his property without due process of law."

The syllabus also held that the fact "that other persons in whom he has no personal interest and who do not appear may suffer is not enough." Chief Justice Fuller and Justices Harlan, Brewer and Shiras dissented from the majority.

In the case of Southern Railway vs. Josephine and Ine King, Justice Day, on May 16, 1910, wrote an opinion dismissing the railway's attempt to attack a Georgia Railroad Crossing Law after Josephine King's husband had been killed in a buggy.

Justice Day said it was the "settled law of this court that one who would strike down a State statute as violative of the Federal Constitution must bring himself by proper averments."

The Justice added:

"He must show that the alleged unconstitutional feature of the law injured him and so operates as to deprive him of rights protected by the Federal Constitution." Chief Justice White and Justice Harlan dissented from the finding.

In Fairchild vs. Hughes, Justice Brandeis on Feb. 27, 1922, ruled on this case which arose when the appellant sought to have the Nineteenth, or Woman Suffrage Amendment, declared unconstitutional and to enjoin the Secretary of State, then Mr. Hughes, and the Attorney General, from proclaiming and enforcing it.

Mr. Fairchild contended the amendment would permit women to vote in States whose Constitutions limited suffrage to men. Stating the unanimous view of the court, Justice Brandeis took the general position that Mr. Fairchild did have proper standing in court as an interested party.

JUDICIARY

Black Scandal

In London last week, Associate Justice Hugo La Fayette Black of the U. S. Supreme Court spent some of the last days of his European holiday shopping for tweeds, browsing about bookstores for a copy of *Grote's Aristotle*, dining at Simpson's and going to the theatre. To reporters who hounded him for a statement, he calmly announced that he would have none to make "at least until I return to the United States." Meanwhile, in the U. S. the story published last week by the *Pittsburgh Post Gazette* that Hugo Black had once been and still is a member of the nearly defunct Ku Klux Klan (TIME, Sept. 20), ceased to be a minor newspaper coup and became the prize political scandal of the year.

If Justice Black had nothing to say about the story, he was almost the only important political personage in the U. S. who did not. Major pronouncement and the one that set the tune for most of the rest came naturally from the White House.

When Franklin Delano Roosevelt has an important piece of news to give out, he likes to have as many Washington correspondents as possible at press conference. Last week, the biggest press conference since the President announced his plan for enlarging the Supreme Court was on hand when he started out by saying that he knew exactly what the newspapermen wanted to ask and was prepared to answer for quotation. Without more ado, the President read a prepared statement:

"I know only what I have read in the newspapers. . . . Mr. Justice Black is in Europe, where undoubtedly he cannot get the full text of these articles. Until such time as he returns, there is no further comment to be made."

When a reporter asked the President to elaborate the last line, he re-read the whole statement. Asked whether he had known of Justice Black's reputed Klan connections before nominating him to the Senate the President answered: he had not.

Before Franklin Roosevelt chose Hugo Black as the man best fitted to fill the one vacancy on the Supreme Court the Department of Justice went carefully over a list of some 60 possible appointees. That not one of the President's advisers had uncovered a bit of information that was common gossip or had passed it on to the President, seemed to be the shocking significance of the President's statement. It was on this point that the President's ablest critics blamed the President. One-time NRA administrator Hugh Johnson, who currently flays the New Deal as energetically as he once served it, wrote:

"What difference does it make if Hugo Black gets back from Europe and when Black is a uniformed Kluxer? . . . If the Supreme Court convenes on Oct. 4, Ray Sprigle, to Alabama to investigate the story as soon as Hugo Black was nominated. For Reporter Sprigle—who affects Western sombreros, carries a silver-ringed cane and likes nothing better than a job of conscientious muckraking—the assignment was a treat. His first dispatches were routine stories which contained principally the information that the Klan had supported Hugo Black in the 1926 election. Original plan was to run the articles before Justice Black could be confirmed, but by the time Reporter Sprigle, aided by an un-

born witch-burner—narrow, prejudiced and class-conscious. . . . To suggest that the President did not know these traits is to belittle not only Mr. Roosevelt's splendid intelligence, but also his fine inbred instincts. . . . A candidate even for disreputable, limited expense account and private detective, had got all the data he wanted, the less inquisitive Senate had long since done its job. By the end of last week, Reporter Sprigle's series, among other things, had told in detail how Justice Black had been given a gold card which made him a life member of the Klan and how he addressed Birmingham Klorero on Sept. 2, 1926, sharing a rostrum with the Klan's Imperial Wizard, onetime Dentist Hiram Wesley Evans. Last week, Dr. Evans, enjoying a new appearance in the limelight, repeated that Klan rolls were secret but Justice Black was not currently a member.

Meantime, while Reporter Sprigle was being mentioned for the Pulitzer Prize, political realists remarked that the completeness of his findings ironically suggested that the association which so shocked the U. S. might have been revealed, precisely because it no longer existed. For disappointment at Hugo Black's failure to pay back his political obligations might have been a motive for Klan bigwigs, from whom alone Reporter Sprigle could apparently have got some of his more damaging information, to make public at the most inopportune moment his relation with it.

The eventual consequences of the Black scandal would, it appeared, be more painful for Mr. Roosevelt than for his appointee. Sworn in secretly the day he received his commission, Justice Black had been measured for his robes before sailing for Europe. Last week, the Albany, N. Y. firm which specializes in judicial robes announced that Hugo Black's \$90 costume of ebony French silk was ready to put on when Hugo Black returns. For the President the Black scandal came most embarrassingly at the time when he was not only proposing to reopen his campaign to put more sympathetic jurists on the Supreme Court, but credited with being about to undertake a political punitive expedition against the Senators who kept him from doing so this summer.

Last week, dispatches from London indicated that Justice Hugo Black would get back to the U. S. next week. In Washington the President suddenly ceased to be indecisive about the trip to the West Coast which he has been considering for the past month, announced that he would this week (see p. 6). Thus, when



Acme
SUPREME COURT'S HUGO BLACK
Everyone else had something to say.

tensions of that court to the highest dignity and respect. . . ."

If the President had not known that gossip credited Hugo Black with belonging to the Ku Klux Klan before nominating him to the Supreme Court, he could scarcely have failed to learn about it soon afterward. Before the Senate confirmed the nomination, the subject of Hugo Black's connection with the Klan was discussed on the floor. By last week, at least nine Senators who had voted for Hugo Black had hastily announced that they would not have done so if they had been assured that he was a member of the Klan. Senators Walsh and Copeland suggested that Mr. Black resign. Montana's Burton K. Wheeler demanded that the President name an impartial board to investigate the charges.

The Story. Fully aware of the rumors that had escaped the ears of Franklin Roosevelt, the *Post Gazette* sent its eccen-

tric, middle-aged, ace political fact-finder, Ray Sprigle, to Alabama to investigate the story as soon as Hugo Black was nominated. For Reporter Sprigle—who affects Western sombreros, carries a silver-ringed cane and likes nothing better than a job of conscientious muckraking—the assignment was a treat. His first dispatches were routine stories which contained principally the information that the Klan had supported Hugo Black in the 1926 election. Original plan was to run the articles before Justice Black could be confirmed, but by the time Reporter Sprigle, aided by an un-

Black and K.K.K.

"WHO KNOWS but that after Senator Black is confirmed and takes his place on the bench these . . . statements may be printed in the press, and we may never have a chance to find out about their facts or their truth after the nomination is confirmed?"

Thus, last August, Millard E. Tydings, Maryland Democrat, voiced the misgivings of a handful of United States Senators loath to confirm Hugo L. Black's appointment to the Supreme Court without a formal inquiry into his qualifications. Capitol Hill buzzed with rumors that the Alabama had once belonged to the Ku Klux Klan. It was repeatedly reported that the Klan had played a big part in Black's election back in 1926.

Ultimately, however, senatorial courtesy prevailed. Besides, there was William E. Borah's word for it that "there has never been at any time one iota of evidence that Senator Black was a member of the Klan." By a vote of 66 to 15, a motion to recommit the appointment to the Judiciary Committee was crushed. By 63 to 16, the appointment was confirmed.

Last week many persons wondered whether Senator Tydings was a professional crystal-gazer. The *Pittsburgh Post-Gazette* (Independent) set off a political bombshell by publishing a series of articles, copyrighted by the paper and by the North American Newspaper Alliance, Inc., alleging that Associate Justice Black joined the Invisible Empire, Knights of the Ku Klux Klan, on September 11, 1923, resigned in 1925 when he was about to run for the Senate, and the following year, was honored with a life membership.

Dr. Hiram W. Evans, Imperial Wizard of the K.K.K., refused last week to comment on this assertion before consulting his records, but he did state flatly: "I know that Justice Black is not a member

"I am glad, more than ever, that I voted down his confirmation," said H. S. Bridges, New Hampshire Republican.

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Reverberations

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JUDICIARY

Black Scandal

In London last week, Associate Justiceborn with-burner—narrow, prejudicedaway.

Hugo La Fayette Black of the U. S. Supreme Court spent some of the last days of his European holiday shopping for to belittle not only Mr. Roosevelt's splen-Supreme Court was not even referred to conscientious muckraking—the assign-tweeds, prowling about bookstores for adid intelligence, but also his fine inbde the Department of Justice. The Presidentment was a treat. His first dispatches were copy of *Brooks's*, dining at Simp-insects. . . . A candidate even for dis-may not have known the general Washing-routine stories which contained principally son's and going to the theatre. To re-limited expense account and private detec-on belief . . . but he very well knew the information that the Klan had sup-porteders who hounded him for a statement, lives, had got all the data he wanted, the hat, with or without a hobgoblin disguise, he calmly announced that *any* would haveless inquisitive Senate had long since done Mr. Black is a bigot.

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"I know only what I have read in the newspapers. . . . Mr. Justice Black is in Europe, where undoubtedly he cannot get the full text of these articles. Until such time as he returns, there is no further comment to be made."

When a reporter asked the President to elaborate the last line, he re-read the whole statement. Asked whether he had known of Justice Black's reputed Klan connec-tions before nominating him to the Senate the President answered: he had not.

Before Franklin Roosevelt chose Hugo Black as the man best fitted to fill the one vacancy on the Supreme Court the De-Court, but credited with being about the list of some 60 possible appointees, against the Senators who kept him from That not one of the President's advisers doing so this summer.

had uncovered a bit of information that was common gossip or had passed it on to the President, seemed to be the shocking significance of the President's statement. It was on this point that the President's indecisive about the trip to the West Coast ablest critics blamed the President. One-time Administrator Hugh Johnson, who currently flays the New Deal as en-ergetically as he once served it, wrote:

"What difference does it make if HugoBlack gets back from Europe and whentric, middle-aged, ace political fact-finder, Black is a uniformed Kluxer? . . . If the Supreme Court convenes on Oct. 4, Ray Sprigle, to Alabama to investigate the was plain from his record that he is a Franklin Delano Roosevelt will be far, far story as soon as Hugo Black was nom-inated. For Reporter Sprigle—who affects inged by Western sombreros, carries a silver-ringed Supreme Court spent some of the last days of his European holiday shopping for to belittle not only Mr. Roosevelt's splen-Supreme Court was not even referred to conscientious muckraking—the assign-tweeds, prowling about bookstores for adid intelligence, but also his fine inbde the Department of Justice. The Presidentment was a treat. His first dispatches were copy of *Brooks's*, dining at Simp-insects. . . . A candidate even for dis-may not have known the general Washing-routine stories which contained principally son's and going to the theatre. To re-limited expense account and private detec-on belief . . . but he very well knew the information that the Klan had sup-porteders who hounded him for a statement, lives, had got all the data he wanted, the hat, with or without a hobgoblin disguise, he calmly announced that *any* would haveless inquisitive Senate had long since done Mr. Black is a bigot.

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"In all that knowledge that appointment Justice Black could be confirmed, but by the Birmingham *Post-Gazette*, aided by an un-Black and K.K.K."



Acme

SUPREME COURT'S HUGO BLACK

Everyone else had something to say.

tensions of that court to the highest dig-ity and respect. . . ."

If the President had not known that gossip credited Hugo Black with belonging to the Ku Klux Klan before nominating him to the Supreme Court, he could scarcely have failed to learn about it soon afterward. Before the Senate confirmed the nomination, the subject of Hugo Black's connection with the Klan was dis-cussed on the floor. By last week, at least nine Senators who had voted for Hugo Black had hastily announced that they would not have done so if they had been assured that he was a member of the Klan. Senators Walsh and Copeland sug-gested that Mr. Black resign. Montana's Burton K. Wheeler demanded that the President name an impartial board to in-vestigate the charges.

The Story. Fully aware of the rumors that had escaped the ears of Franklin Roosevelt, the *Post Gazette* sent its eccen-

trical editor, William Bradford Huie, to Alabama to investigate the charges. Huie, a well-known journalist, reported that he had found evidence of Black's membership in the Klan. The *Post-Gazette* (Independent) set off a po-litical bombshell by publishing a series of articles, copyrighted by the paper and by the North American Newspaper Alli-ance, Inc., alleging that Associate Justice Black joined the Invisible Empire, Knights of the Ku Klux Klan, on Sep-tember 11, 1923, resigned in 1925 when he was about to run for the Senate, and, the following year, was honored with a life membership.

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"I am glad, more than ever, that I voted down his confirmation," said H. S. Bridges, New Hampshire Republican. Meanwhile, Senators who favored con-firmation split into two camps, those who felt that they had been misinformed, and those who considered the story a politi-cal tempest in a teapot.

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The Cleveland *News* declared: "If Mr. Justice Black was an honest member of the Klan in 1925, he had prejudices which belong anywhere but on the high-

est of the nation. He should have resigned before he was nominated to the Supreme Court. He should have resigned before he was confirmed to the Supreme Court. He should have resigned before he was sworn in as a Justice of the Supreme Court."

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attack on Justice Black is purely political. . . . While I am quite sure Justice Black is not a member of the Ku Klux Klan, what would we do if he were?"

Former Senator Black himself, traveling in Europe, refused comment: "I have made no statement of any kind since my appointment to the Supreme Court, and I do not intend to make any."

Observed President Roosevelt, Hugo Black's original sponsor: "I know only what I have read in the newspapers. Until such time as Black returns there is no further comment to be made."

Black in White?

From the grave of the Ku Klux Klan that fought Yankee domination and ex-slave excesses in Reconstruction days, southerners about 1915 raised a new society. Guiding principle of the reborn K. K. K. was supremacy of "native white Protestant Americans" over aliens, Negroes, Jews and Catholics. Soon white-hooded vigilantes rode through the south again, lighting the night sky with blazing crosses, staging mumbo-jumbo ceremonies, striking with swift and stupid violence against "un-American" Americans.

Despite the New York World's historic Klan-shattering expose in 1921, the secret order remained politically potent in Alabama, Georgia and Florida until about 1928. Since then, the Klan has declined steadily. Today it has only a few thousand members.

That the K. K. K. still represents to most Americans the epitome of prejudice and intolerance, however, was amply demonstrated last week by the furious storm that broke around the head of Hugo Lafayette Black, recent New Deal appointee to the U. S. Supreme Court. Initial thunderclap was the appearance of a series of newspaper articles jointly copyrighted by the Pittsburgh Post-Gazette and the North American Newspaper Alliance.

After the Senate debate over Black's nomination, the Post-Gazette sent reporter Ray Sprigle to investigate charges that the Alabaman belonged to the K. K. K. Last week the paper was rewarded with a sensational scoop. Backed by affidavits and photostatic documents that figuratively put Justice Black in a Klansman's white hood, these were the essentials of the information Sprigle said he got from official Klan records:

¶ Black joined the Klan in 1923, swearing to "shield and preserve . . . White supremacy."

¶ In 1925, on the eve of his campaign for U. S. Senator, Black sent to the "Kligrapp" or secretary of his chapter his resignation from the order.

¶ After winning the Democratic nomination which assured him his Senate seat, Black a year later appeared before a "Klorero" or state

meeting and accepted a gold "grand passport" tantamount to life membership in the K. K. K. He thanked Klansmen, without whose help he said he never would have become Senator, extravagantly praised Klan principles.

¶ There was no evidence that Black had forfeited his life membership card or resigned again from the order.

Although the series was scheduled to include six stories, publication of the first three was enough to create a national uproar. Quietly jubilant, senators who had opposed Black's choice solemnly deplored the "haste" with which the Senate had confirmed his nomination. Several of those who had voted to seat the Alabaman stated flatly that they would not have done so had they "known the facts." A vote to switch allegiance from the A. F. of L. to the C. I. O. The referendum upheld the convention action by a vote of 3,392 to 1,691. No sooner was the result of the Guild referendum made public than William Green, president of the A. F. of L., announced that his organization would form an opposition union in newspaper offices. Other newspaper-labor news of the week included a strike called by the Guild on the Brooklyn Daily Eagle, one of the largest daily papers in metropolitan New York. Publication continued during the first and second days of the strike.

¶ In the confused Ambridge, Pa., situation, where the NLRB and a Federal court have given exactly opposite orders to the National Electric Products Corporation as to which union to deal with (PATHFINDER, Sept. 18), the NLRB vote was held. The poll showed the workers favoring the A. F. of L. over the C. I. O. by a vote of 780-675. The C. I. O., which had previously demanded the election over the protests of the A. F. of L., announced it would contest the election.

¶ A fight between A. F. of L. and C. I. O. seamen in the California seaport cities of San Francisco and Oakland was no nearer settlement. What edge there was in last week's developments went to the C. I. O. when the NLRB disregarded the A. F. of L.'s plea to delay a vote and ordered a poll taken almost immediately.

One of the few important labor items of the week not concerned with inter-union maneuvers stemmed from

NAACP Asks Statement By Black on Klan Link

Association in Wire to President Asks Removal From Supreme Court If Former Senator Will Not Repudiate Connection with Klan

In a telegram to President Roosevelt made public yesterday, the National Association for the Advancement of Colored People called for the resignation of Supreme Court Justice Hugo L. Black "in the absence of repudiation and disproof" of charges of life membership in the Ku Klux Klan to be made by the newly appointed any man can uphold the doctrines of the Ku Klux Klan and at the same time keep his oath to uphold the Constitution of the United States.

The association's telegram, signed by Walter White, its national secretary, especially condemned the "silence of Senator Black on these widely publicized charges" that he holds a life membership in the hooded band. The charges were first brought forward in the Pittsburgh Post-Gazette, owned by Paul Block, reactionary confidante of William Randolph Hearst. They were immediately picked up by newspapers throughout the country.

"In view of present revelations in syndicated newspaper articles that Senator Black holds life membership in the Ku Klux Klan and especially in view of the silence of Senator Black on these widely publicized charges, this association urges most emphatically that you as chief executive of the nation, who nominated Senator Black in good faith and without knowledge of this affiliation, call upon him to resign his post or take other appropriate action in the absence of repudiation and disproof of the charges by Senator Black to relieve yourself and the nation of the embarrassment of having upon the highest court a man pledged to uphold principles inimical to true Americanism," the telegram stated.

URGED PROBE

The telegram then went on to say: "After the nomination of Senator Black as Associate Justice of the Supreme Court the National Association for the Advancement of Colored People disturbed by rumors of his connection with the Ku Klux Klan telegraphed Senate Judiciary Committee strongly urging open hearings be held and opportunity for examination into alleged Klan membership be given. However, our request with numerous others of similar nature was disregarded by committee and nomination favorably reported to Senate without open hearings and statements were made on the floor of the Senate that Senator Black had denied any connection whatever with the Klan. Justice Black will say nothing publicly but will ascend the high bench

Washington in Dark as to Black's Plans After Arrival at Norfolk, Va., Tomorrow

Special to THE NEW YORK TIMES.

WASHINGTON, Sept. 27.—With buttressed by a Presidential selection and a Senate visa.

Associate Justice Hugo L. Black, after a Administration circles were sphinx-like, but nevertheless New Deal lieutenant apparently conceded that had no inkling of what the new Justice Black, even if he were called to account by the Executive, would associate justice plans to do re-to account by the Executive, would regarding the allegations of past or never go down without one of the present membership in the Ku Klux Klan.

The Baltimore mail liner City of Norfolk, bringing Mr. Black home Black will swear again to his judicial oath when the court meets in its namesake port early Wednesday morning. The perfunctory session next Monday, but there is a question whether he will come direct to Washington on Wednesday or spend a day or two in Alabama before the opening court session.

If Justice Black has revealed his intentions to his friends now in Washington, they are preserving a day or two in Alabama before the opening court session.

So far, no special arrangements have been made for the landing of the Justice Black, Secretary Morgenthau said today. No requests had been received, the Secretary said, either from Justice Black himself or in his behalf from any of his friends or associates, for any special consideration.

FIGHT DUE TODAY IN SUPREME COURT ON BLACK'S SEAT

Former Federal Judge

Levitt Proposes To Rise
in Chamber and Ask
Other Justices To Chal-
lenge Their Associate.

REQUEST TO REST
ON 2 CONTENTIONS

One Will Be Denial That
Vacancy Exists, Other
That Vote on Pay as a
Senator Disqualifies Him

WASHINGTON, Oct. 3.—(AP)—Justice Hugo L. Black, already the center of angry dispute over his former Ku Klux Klan membership, will be thrust tomorrow into a controversy over his right to a seat on the supreme court. That legal question will be posed when the youngest justice dons his black robe and marches into the courtroom with his colleagues at noon to begin a new eight-month term of the tribunal. Albert Levitt, former federal judge in the Virgin islands, proposes to rise in the chamber, challenge the constitutionality of the appointment and request that Black's eight associates compel him to show why he should be permitted to serve.

May Act Immediately.
The court may act on the motion after Levitt finishes or it may defer an announcement until the following Monday to give it an opportunity to discuss the question at conferences during the week.

So great is the interest in the new justice—the first since Benjamin N. Cardozo was appointed in 1932—that an unprecedented number of persons have sought admission to the small courtroom

to witness the proceedings. Hundreds of applicants are doomed to disappointment, since the chamber will accommodate only about 300 persons.

Black continued tonight in the seclusion to which he turned after explaining in his historic address Friday night that he joined the Klan 15 years ago but later resigned and had "never rejoined." He emphasized that his statement "closed" his discussion of the question.

Roosevelt Returning.
As the legal showdown on Black's appointment neared, President Roosevelt headed back to Washington from a trip to the far west. He is due in the capital Wednesday.

Except for hearing the Levitt motion and possible readministering an oath to Black to administer justice impartially, proceedings tomorrow are expected to be perfunctory—the admission of attorneys to practice before the court and receipt of other motions.

Two Contentions.
Levitt, who recently resigned as a special assistant to Attorney General Cummings, contends that Black is constitutionally ineligible to serve because:

1. He was a member of the senate which increased the "emoluments" a justice receives by permitting them to retire at full pay after becoming 70 and serving 10 years.
2. There is no vacancy on the court and will be none unless former Justice Van Devanter completely severs his connection by resignation rather than by merely retiring.

Technically, Levitt will ask the court for permission to file a motion asking the justices to order Black to show cause why he should be permitted to serve.

Question "Interest."
It was said in some circles that the justices might question him as to his "interest" in the proceedings and that if he could not show any legal interest his request might be forthwith denied.

That would end the matter. Should permission to file the motion be granted, however, the justices presumably would hear arguments, after which they would render a final decision. In that event it was expected Black would be represented by counsel.

400 Petitions Pending.
After today's session, the justices will devote the remainder of the week to conferences during which they will decide whether to grant or deny more than 400 peti-

tions for a review of lower court decisions. Announcement of the action will be made a week hence. Justice Black, who has just returned from a European vacation, has not had an opportunity to look at his copies of the petitions.

He may decide not to participate in the action on petitions that have come in thus far. He can join, however, in deciding the 52 cases upon which arguments will start a week from tomorrow—unless Levitt succeeds in his suit.

Eight New Deal laws are involved to some extent in the cases on file. The principal litigation involves constitutionality of sit-down strikes, validity of government loans and grants for publicly owned hydroelectric plants, and several new challenges of the Wagner labor relations act.

PRESS COMMENDED ON BLACK ARTICLES

Robb Tells Jersey Leaders
Revival of Expert Reporting
Keeps Government Alert

INSTITUTE MAKES AWARDS

Newark Times and Montclair
Times Win Trophies for
General Excellence

Special to THE NEW YORK TIMES
NEW BRUNSWICK, N. J., Oct. 3.—

More newspaper reporting of the kind "that dug up Justice Black's connection with the Ku Klux Klan" was advocated before the sixteenth annual New Jersey Newspaper Institute here today by Arthur Robb, executive editor of the Editor and Publisher, who said "we haven't had enough of the reporting that digs behind official statements and keeps government on its toes and conscious of its responsibility to the governed."

Of the series of newspaper articles on Justice Black's connection with the Klan, Mr. Robb said: "Call it political in object if you wish, or an attempt to embarrass the Administration, you cannot deny that it was information that should have been made public, and should have been known before Justice Black was nominated, confirmed and sworn in. Late as it was, it was good reporting."

The newspaper enterprise displayed in covering the Supreme

Court issues was cited by Mr. Robb as the basis for his belief that "we are in for more expert reporting, and I rejoice in the prospect."

Warns of Rising Costs

Mr. Robb spoke pessimistically of the possibilities for profits in the newspaper business in the next few years because of "pyramiding costs." The three largest newspaper chains have suspended or sold unprofitable units this year, he said, adding that "I am afraid many individually owned newspapers will go to the wall within the next few years because their communities will be unable to sustain the increased costs of their operation."

Dr. Alfred N. Goldsmith, technical consultant of the Radio Corporation of America, said New Jersey residents would have front-row seats in the "theatre of the air" when television became a public service. He reported that in Northern New Jersey in particular, experimental field tests had shown reception conditions as good as those in many parts of metropolitan New York.

Professor Charles L. Allen, director of the Rutgers University Department of Journalism and executive secretary of the Press Association, said newspapers of the future would meet radio and television competition with more news, better written, and more and better pictures.

Garvin P. Taylor, president of The Montclair Times Company, received the Rutgers University award, a bronze medal, "for wise and forceful leadership in journalism" at the dinner that closed the institute tonight. Harold B. Hinton of the Washington bureau of THE NEW YORK TIMES spoke on "America Gropes for Peace."

Winners in Annual Exhibit

The Newark Evening News gained permanent possession of the Press Association silver trophy offered to the daily winning it three times in the general excellence class. The Montclair Times won permanent possession of a similar trophy in the division for weekly newspapers.

Other awards in the competitive newspaper exhibit follow:

Weeklies Under 3,000 Circulation
Front page, Keyport Weekly first; Madison Eagle, second; Glen Ridge Paper, third. Editorial page, Delaware Valley News, first; Cape May County Times, second; Cranford Citizen and Chronicle, third. General excellence, Madison Eagle, first; Delaware Valley News, second; Matawan Journal, third.

Weeklies and Semi-Weeklies Over 3,000 Circulation—Front page, Washington Star, first; Hasbrouck Heights Observer, second; Somerset Messenger Gazette, third. Editorial page, Wildwood Leader, first; Westfield Leader, second; Washington Star, third. General

excellence, Montclair Times, first; Washington Star, second; Red Bank Register, third.

Weekly Tabloids—Front page, Millburn and Short Hills Item, first; Englewood News, second; Linden Observer, third. Editorial page, Millburn and Short Hills Item, first; Atlantic City News, second; Northern Valley Tribune, third. General excellence, Millburn and Short Hills Item, first; Bordentown News, second; Palmyra New Era, third.

Dailies Under 10,000 Circulation—Front page, Woodbury Evening News, first; Ocean City Daily Sentinel Ledger, second; Morristown Daily Record, third. Editorial page, Morristown Daily Record, first; Orange Daily Courier, second. Society page, Morristown Daily Record, first; Orange Daily Courier, second. Sports page, Orange Daily Courier, first; Morristown Daily Record, second. General excellence, Morristown Daily Record.

Dailies Over 10,000 Circulation—Front page, Elizabeth Daily Journal, first; Paterson Morning Call, second; Trenton Evening Times, third. Editorial page, Newark Evening News, first; Trenton Evening Times, second; Plainfield Courier News, third. Sport page, Plainfield Courier News, first; Asbury Park Press, second; Camden Courier Post, third. Society page, New Brunswick Sunday Times, first; Trenton State Gazette, second; Trenton Sunday Times, third. General excellence, Newark Evening News, first; Trenton Evening Times, second; Elizabeth Daily Journal, third.

NEGRO DEFENDS BLACK

Justice Was Impartial on Bench in Alabama, Says Youth Leader

The general attitude of the Negro population of Birmingham, Ala., toward Supreme Court Justice Black is one of sympathy, Edward E. Strong, general secretary of the Southern Negro Youth Congress, declared yesterday. Mr. Strong, a Negro of Richmond, Va., spoke at the home of Miss Helen Levi, 525 Park Avenue. She is treasurer of the New York Committee to aid the Southern Negro Youth Congress.

Mr. Strong said that this attitude of sympathy was engendered by Justice Black's racial impartiality when he served as a judge in Birmingham. The Southern Youth Congress, he added, was awaiting the outcome of Justice Black's radio address before taking any definite action on his appointment.

When the congress was formed in February, Mr. Strong said, the 534 delegates representing 200,000 Negro youths in the South pledged themselves to fight all Ku Klux Klan activities against Southern youth.

Justice Black's Radio Speech

Mr. Hugo Black, the new Supreme Court justice, has made his radio speech—and the facts remain exactly as revealed by our newspapers and hundreds of other papers which told the people of the United States of Mr. Black's association with the Ku Klux Klan and which produced the evidence which the Justice does not and can not deny. *Jumb*

In his speech, which is a confession, he still leaves a number of matters which he has not cleared up. Justice Black admits he joined the Ku Klux Klan. He says that he resigned. He does not explain why his resignation was never acted upon officially. He admits that later he was given a life membership card, after the Klan had given him the nomination for the United States Senate, which in Alabama is equivalent to an election. He says he did not use the card or keep it, and intimates he did not take the action seriously. How, then, does he explain the fact, that in accepting the life membership card in that memorable meeting of the Klan in Birmingham, following his nomination, Hugo Black said:

"I thank you, friends, from the bottom of my heart ... I realize that I was elected by men who believe in the principles that I have sought to advocate and which are the principles of this organization."

Why did Hugo Black go on to say:

"I desire to impress upon you as the representatives of the real Anglo-Saxon sentiment that must and will control the destinies of the Stars and Stripes that I want your counsel. *New York*

"This passport which you have given me is a symbol to me of the passport which you have given me before. I do not feel that it would be out of place to state to you here on this occasion that I know that without the support of the members of this organization I would not have been called, even by my enemies, the Junior Senator from Alabama."

And, finally, if he was not accepting life membership in this Hooded Order why did he, in that Birmingham meeting, refer with eloquence and enthusiasm to:

"The ideals of this great fraternity to which we belong."

The facts remain exactly as they were. Hugo Black joined the Ku Klux Klan, was elected to the United States Senate by the Klan, was made a life member and accepted that membership in true Klan style.

Thus, since everything discussed by the Justice in his radio speech tallies precisely with the articles written by Ray Sprigle, of our staff, and printed in the newspapers, it is logical to believe that other charges, not discussed, are also true. We may well remember, just

here, that when in 1928 Alfred E. Smith, a Catholic, was nominated for the Presidency by Mr. Black's political party, Mr. Black did not openly support him.

There is certainly no disposition on the part of our newspapers to be vindictive. If Justice Black, since that day when he became a life member of the Klan has put out of his heart and mind the ideas and ideals of that organization, the people of America will be glad to know it.

But the record of the past is unmistakable. The facts are against him. No man with that record ought ever to sit upon the highest court in the United States of America.

Paul Block
Publisher.

Copy of an editorial appearing in the Paul Block Newspaper

BLACK'S QUITTANCE PUT TO ROOSEVELT

State Senator Schwartzwald
Calls on President to 'Demand
Resignation' of Justice

WIRES CHARGE OF 'FRAUD'

Ex-Magistrate Gordon Proposes
Removal by Amendment

—Untermeyer Is Satisfied

State Senator Jacob J. Schwartzwald, Democrat of the Seventh Senatorial District, Brooklyn, made public a copy of a telegram which he had sent to President Roosevelt requesting him to "demand the resignation" of Justice Hugo L. Black. The telegram read as follows:

"Although urged, I have desisted from making any comment on the appointment of Hugo L. Black to the Supreme Court of the United States until he was given an opportunity to state his position, because I do not believe that any man should be condemned without first being given an opportunity to defend himself.

"However, the speech last night by Mr. Black was nothing more than a plea of guilty to the charge. If the facts set forth by Mr. Black in his radio talk had been known to yourself and the members of the United States Senate, undoubtedly Mr. Black would never have been named by you, nor would he have been confirmed by the mem-

bers of the Senate. He stood silent when it was his moral and legal duty to speak out.

"One who at any time had within his heart and mind even the idea to affiliate himself with such a vicious and illegal organization, such as the K. K. K., cannot be fit to sit in the highest court of our land.

"The people of my community are indignant at this appointment, and inasmuch as it was made without full knowledge of the facts on your part, and with action equivalent to most to fraud on the part of the appointee, I believe that an immediate demand should be made for his resignation. As far as the fair thinking public is concerned, his usefulness has been impaired."

Ouster Movement Suggested

Former Magistrate Harry A. Gordon recommended a nation-wide movement to remove Justice Black from the Supreme Court. He said this could be accomplished by an amendment to the Constitution, which is possible under Article 5.

"The people have sovereign rights in the United States and may, through a Constitutional amendment, divest a man of his office if that office was obtained through fraud and concealment," he asserted.

"It is not even necessary to give a reason for such action by the people if three-quarters of the States vote in convention to remove him."

Untermeyer Is "Impressed"

Samuel Untermeyer, president of the Non-Sectarian Anti-Nazi League to Champion Human Rights, said that he was "greatly impressed" with Justice Black's speech, which, he felt, "should close the discussion."

"Of course it is true that he was a member of the Klan," he went on. "So were many thousands of others in the South at the time.

"His record in the Senate and his associations and appointments while in the Senate impressed me that he is today a man of liberal views on racial and religious questions."

Robert Daru, president of the New York County Criminal Courts Bar Association and counsel to the Federal Grand Jury Association for the Southern District of New York, said that the lesson to be derived from the Black case was that the judiciary should be placed on a "career basis," with judges advanced step by step from the lower to the higher courts.

"Those who are inclined to view most charitably the past membership of Mr. Justice Black in the Ku Klux Klan," he said, "point to the necessities of a situation with which he was confronted when a candidate for high public office in Alabama. But this amounts to an admission of political opportunism.

"No doubt had Mr. Black refused to join the Klan in those days, he would never have been a Senator, and if he had never been a Senator, he would never have been a justice of the Supreme Court. It is too bad that membership in the highest court in the land can be attained by way of a political springboard.

"In other words, if judges are to be free of the embarrassments and prejudices which inevitably arise from years spent in a law practice, representing corporations, criminals, societies, labor unions and other groups and classes of individuals, or from years spent in active politics, we must institute a career system for our judiciary whereby those who aspire to the bench must, within a certain period of time after admission to the bar, withdraw from general practice and enter on their judicial career. Such a system successfully employed in other countries."

EXPECTS BLACK TO STAY

Connally on Coast Says 'Nothing Can Be Done About It'

LOS ANGELES, Oct. 1 (AP).—Senator Connally of Texas dismissed the issue of Justice Black and the Ku Klux Klan today with the statement:

"There's nothing can be done about it. He can be removed only by impeachment—and he's done nothing impeachable."

Representative John E. Rankin of Mississippi had this to add:

"All this fuss about Justice Black's being a member of the Klan is a tempest in a teapot and being agitated by the power of the trust."

Messrs. Connally and Rankin sailed tonight with a congressional party on the liner *Malolo* for an inspection tour of the Hawaiian Islands.

BLACK'S SENATE SILENCE STILL PUZZLING CAPITAL; HIS SEATING NOW AWAITED

A MOTIVE IS SOUGHT

Friends Wonder Why He
Didn't Explain Failure
to Tell of Klan Link

LEADERS SAYING NOTHING

Some Observers Think Talk
Aided Him, but Press Is Al-
most Wholly Adverse

By LEWIS WOOD

Special to THE NEW YORK TIMES.

WASHINGTON, Oct. 2.—The capital, appraising Justice Black's "fireside chat" to the nation, mingled its approval or disapproval to-day with disappointment that he failed to clear up the principal point in the mystery, as it appears here. There was a desire to learn his motive in keeping silence on the Senate floor while colleagues and friends of years standing voted for his confirmation in the belief that he had never been a member of the Ku Klux Klan. In his avowal of past connection with the Klan, accompanied by his declaration of belief in religious and civil rights for all Americans, Mr. Black avoided any reference to his previous silence on the subject, both before and after his appointment to the Supreme bench and his confirmation by the Senate. Among politicians that aspect of the matter has assumed more im-

portance than the other issues involved.

Most of the Senators who voted for his confirmation appeared to be maintaining a discreetly taciturn attitude. Senator Minton arrived in the Capital today on his return from Europe, but declined comment. Senator Byrnes, who also returned on the Manhattan as a fellow traveler with Justice McReynolds, did not stop in Washington on his way home. Some expression of opinion from those Administration leaders had been hoped for here.

Among unofficial observers there appeared to be considerable opinion that Mr. Black may have helped his standing with a large part of the public by his radio address. The portion of the public supposed to be impressed was thought to be "the man in the street," who was represented as admiring the former Senator's determination to stand on his record in public life as a guarantee that any misdoings of early days had been lived down.

Prepare for Ceremony Tomorrow

With the radio speech out of the scene in which the new Associate Justice will take his seat on the high court on Monday. One of the largest crowds that ever stormed the court's \$11,500,000 marble palace will be at its doors seeking admission long before noon on that day, but the court chamber seats only about 300.

Mr. Black is apparently leaving all details of his entrance to the court for attention on Monday. Up to nightfall he had not communicated with court officials on whether he will again take the judicial oath, which he has already sworn at a ceremony in the office of the Secretary of the Senate on Aug. 19, the day he received his commission from President Roosevelt.

Legally speaking, a repetition of the oath would not be necessary but it is understood that the new

justice will probably conform to advanced the argument that Mr. court custom, raising his hand as Van Devanter's retirement did not constitute a vacancy on the Supreme Court bench within the meaning of the Constitution or the judicial code. Mr. Van Devanter, in announcing his retirement, wrote President Roosevelt that he had "retired from regular active service," and the President used the same words in his reply.

There have been few instances in which justices took the judicial oath before arrival at the bench, but it has been done, notably the case of William Howard Taft.

Under ordinary circumstances when a new member of the court appears to take his place he remains seated beside Mr. Cropley until the Chief Justice formally opens the session.

To Sit at Right End of Bench

In the present instance, Mr. Black would then be at the extreme left end of the bench, viewing the justices from the spectator's seats. After Mr. Hughes's announcement the usual procedure would be for Mr. Black to rise in his place and take the oath, while the other justices also stood.

This ceremony ended, the marshal, Frank Key Green, would escort Mr. Black to his seat, which will be at the extreme right hand of the bench. To reach his place, he would pass with Mr. Green behind the other justices.

Marshal Green received a telephone message from Mr. Black today, the jurist announcing that he would not visit his new offices before Monday. Thus far he has not appeared at the court at all.

The question of Mr. Black's eligibility to occupy a seat on the court will be presented to the tribunal on Monday by Albert Levitt, former Assistant Attorney General. Mr. Levitt bases his motion to deny Mr. Black a seat on the ground that the justice while in the Senate voted to increase the emoluments of the office he now holds, and further that there is no vacancy on the court inasmuch as, the motion alleges, Associate Justice Van Devanter is still a member of the Supreme Court.

The first charge springs from the contention that the last session of Congress voted voluntary retirement for justices of the Supreme Court, after the age of 70, with full pay for life.

To Press Case Vigorously

Mr. Levitt holds that this legislation increased the emoluments of the office, since Supreme Court justices did not formerly have that privilege, and that the occupancy of a place on the court by Mr. Black or any other member of the Seventy-fifth Congress would violate the constitutional prohibition. The second point in the motion

advanced the argument that Mr. Van Devanter's retirement did not constitute a vacancy on the Supreme Court bench within the meaning of the Constitution or the judicial code. Mr. Van Devanter, in announcing his retirement, wrote President Roosevelt that he had "retired from regular active service," and the President used the same words in his reply.

Presumably, when Mr. Levitt presents the motion the Chief Justice will briefly announce that it is either denied or granted, but the court has a right to take the matter under consideration and decide it later. There are reports that Mr. Levitt proposes to press his motion as vigorously as is possible under the strict procedure of the 150-year-old tribunal.

Joseph H. Lieb, political writer and self-styled founder of the first Roosevelt-for-President Club in 1930, announced today that he intended to distribute handbills before the Supreme Court Building on Monday proclaiming Oct. 4 as "Black Day," to be mourned each year as the blackest day in the history of American justice.

Debate in Capital Continues

By The Associated Press.

WASHINGTON, Oct. 2.—Amid an uproar such as has seldom preceded the seating of a Supreme Court member, Justice Black waited tonight to take his place as the ninth man on the nation's highest tribunal.

As far as he, personally, was concerned the case made out by critics who attacked his appointment because of his connection with the Ku Klux Klan was closed.

Having denied present Klan membership and denounced religious bigotry and race prejudice in his nation-wide radio address last night, he maintained today the aloof since of an associate justice. By his own statement he will not break that silence to discuss the Klan issue.

Both his friends and foes, however, carried on the wordy dispute which originated in the Senate before his nomination was confirmed.

Generally his friends took the position that he had made an adequate explanation of the Klan charges when he said that he had joined the order fifteen years ago, but later had resigned and never rejoined. They expressed hope the controversy would be dropped.

Many among those who opposed his appointment insisted their views were not changed by his speech. They continued highly critical, and the impression prevailed that in political campaigns of the coming months and probably in the next session of Congress there would be renewed attacks.

Observers speculated whether President Roosevelt would have anything to say on the matter when he returns after his Western trip. He is due back Wednesday.

Wife May Stay for Ceremony

Friends of Mrs. Black said today that she might delay a projected trip to Alabama in order to see her husband take his seat on the court Monday.

She has been planning to go to Birmingham to get their 3-year-old daughter, Josephine, who stayed with relatives while her parents traveled abroad.

Five of the other six "Supreme Court wives" are back in the capital and precedent indicated that one or more of them would be in the reserved section at the court's opening. Which ones, however, was a matter of speculation.

Mrs. Hughes and Mrs. Brandeis have occasionally attended opening sessions, but neither has indicated she will be present Monday.

Mrs. Sutherland, an infrequent court visitor, reported that she felt better than she had in years when she returned from Scotland with her husband last week.

Mrs. Butler is back home here with Miss Margaret Butler, their daughter, after a Summer in Blue Ridge Summit, Pa.

Attendance at the formal opening is no ritual with Mrs. Stone, but she may be present.

Although Justice Roberts is expected just before the court session, Mrs. Roberts will not return immediately from their home at Kimberton, Pa.

M'REYNOLDS WARY ON BLACK'S STATUS

Says Justices Must Be Cautious on Subjects Liable to Come Before the Court

BACK FROM TRIP ABROAD

Of Roosevelt's Tour He Says President Has Strong Personal Hold on People

Justice James Clark McReynolds of the Supreme Court returned from a European vacation yesterday on the United States liner Manhattan. He was interested in the controversy over the alleged membership of Justice Black in the Ku Klux Klan and asked several questions as to how the matter had been handled by the American press.

In the same affable frame of mind

displayed on his departure from New York some weeks ago, the Justice discussed topics removed from the Court, and parried every attempt to draw him out on the question of Mr. Black's seat on the bench.

At one point in the interview he commented on the difficulties faced by members of the judiciary, who are perpetually constrained in everything they say, even in private conversation. He was asked:

"Disregarding the specific case of Mr. Black, do you feel that had you been a member of the Klan or any similar society in earlier years, that it would necessarily affect your integrity today?"

Justice McReynolds replied that he could not comment on anything that had the remotest possibility of coming before the Supreme Court for judgment, and added that being a justice made it impossible for him to talk of the things that interested him most.

At the beginning of the interview he made his usual stipulation that he was not to be quoted directly or anything.

When he was told of President Roosevelt's tour to the West he remarked that the President had a striking personal hold on people.

Mr. McReynolds said that England appeared to be prosperous and fairly happy, but that he felt no such assurance in France. At the Paris fair he was interested in the fountain displays, and learned while there that Grover A. Whalen, president of the New York World's Fair, had made plans for a similar display here in 1939.

Two reporters who entered the justice's cabin holding cigarettes were chided mildly. He does not like smoking, and warned the reporters humorously that they were in the path of ruin.

SENATOR HOPES TALK MEANS END OF KLAN

Thomas of Oklahoma Is Silent on Black—Robinson of House Sees the Justice 'Exonerated'

Special to THE NEW YORK TIMES.
WASHINGTON, Oct. 1.—Senator Thomas, Democrat of Oklahoma, who voted for confirmation of Justice Black, declined to comment directly tonight upon Mr. Black's explanation of his former membership in the Ku Klux Klan, but said: "If this discussion about the Klan will bring about a complete elimination of such organizations in America, the result will be helpful and good for our country. There is no place in America for the thing the Klan stands for."

Senators Greene of Rhode Island,

Madcliffe of Maryland, Lonergan of Connecticut, Reynolds of North Carolina, Logan of Kentucky, and Minton of Indiana, all Democrats, were reported this afternoon by the Senate officials as being in the city. The only one of them reached after Justice Black had spoken was Senator Logan.

Mr. Logan had just left the hospital and his nurse refused to permit him to discuss the matter.

Representative J. W. Robinson, Democrat, of Utah, said:

"Senator Black has completely exonerated himself. The country ought to accept his explanation and forget about his connection with the organization fifteen years ago."

Other members of the House understood to be here were Representatives Vinson of Kentucky, Beiter of New York, Green of Florida and O'Malley of Wisconsin. They were not available for comment.

Chairman Hamilton of the Republican National Committee was in bed and could not be disturbed. No Republican members of Congress were in the city.

By The Associated Press.

WASHINGTON, Oct. 1.—John L. Lewis, leader of the C. I. O., lauded Justice Black's speech tonight as a "powerful and straightforward statement."

"It defines the creed of all Americans, as well as that of Justice Black," he said.

Senator Glass of Virginia, stating that Mr. Black "admits he was a member of the Klan, but disavows no advocate," added:

"I voted against confirmation of Senator Black regardless of the charges that undertook to connect him with the Klan. I didn't think the appointment was a fit one, and I don't think so now."

RETURNING SENATORS ARE SILENT ON BLACK

Three Won't Say How They Would Have Voted if He Had Been Linked to Klan Earlier

Three United States Senators returned from Europe yesterday on the United States liner Manhattan after attending meetings of the Inter-Parliamentary Union in Paris. None would say what he might have done in the voting in the Senate on confirmation of Senator Hugo L. Black had Mr. Black's reported membership in the Klan been known. The Senators were Sherman Minton of Indiana, Elbert D. Thomas of Utah and James F. Byrnes of South Carolina.

Senator Byrnes said he would not make any statement until he knew "more about it." Mr. Thomas, who saw Justice Black while abroad, said he considered the question unfair. All three declared with emphasis that they would be sitting beside radios when Justice Black

Senator Byrnes, chairman of the Senate committee to investigate unemployment, visited London to make inquiries as to the problem and its handling in England. He found there was little lack of work there. Business and employment were also quite good in France and Germany, he said.

"There is a lot of talk of war, but the best-informed people in the countries I traveled in say there is not much likelihood of it because no one wants war," Mr. Byrnes continued.

Representative Virginia E. Jenckes of Indiana, the first woman delegate to the Inter-Parliamentary Union, another passenger, said she returned convinced that American women would insist on payment of foreign war debts because nations to which the United States lent money were buying armaments while failing to pay.

THE COURT CONVENES

All eyes will be on Mr. Justice Black when the Supreme Court meets today.

This is inevitable in the circumstances. Because of the rôle which the Ku Klux Klan has played in the life of the American people, it is not to be expected that Mr. Black's membership will be regarded as an episode easily ignored and soon to be forgotten. Rather, his presence on the bench will serve continuously to emphasize the contrast between the orderly processes of law and the tactics of Klansmen who took the law into their own hands and set themselves above it.

Meantime, the court itself, reconvening after its Summer recess, finds on its calendar a number of important matters—among them a rising dispute over the question whether the Treasury can call gold bonds for redemption in advance of their maturity date without paying interest. There are cases on file challenging certain activities of TVA and other cases contesting the power of the Government to make loans and grants to publicly owned hydroelectric plants.

In all these matters it will be the present duty of the court, as it has always been the duty of the court, to establish in each case the rights to which the respective parties are entitled under the Constitution. That is the whole duty of the court. It does not "nullify"

acts of Congress. It does not claim, be sure, a widely prevailing belief that nor does it possess, a substantive power the facts are otherwise, and that of holding acts of Congress unconstitutional. The exercise of such a power are common. President Roosevelt, for is simply incidental to the exercise of example, has made much of what he general judicial power conferred upon calls the "Odd Man" on the bench—it by the Constitution. As the historian the theoretical holder of the decisive of the court, Mr. Charles Warren, has vote in a court divided 5 to 4. But in observed: "Except as an act of Congress is involved in a suit between two and among the many thousands of parties over which the court is given cases that have come before the jurisdiction by the Constitution, the Supreme Court, there have been just court has no power to determine for twelve 5-to-4 decisions. It is true, of Congress, the President or any one else course, that some of these twelve decide the validity or invalidity of such actions have involved questions of out-act."

The duty of the court, in so far as that twelve laws constitute only a minute proportion of the important legislation which has been enacted during enactment of the national legislature a century and a half of constitutional rights of an American citizen. This duty is inherent in the principle of a government of limited powers, operating under a written Constitution. For, as Mr. Warren remarks, once "the idea of a Constitution which the legislature should be powerless to amend was introduced, ipso facto, it became necessary that there should be power vested somewhere to see that the legislature did not succeed in attempts to amend the Constitution." That power is the bulwark of constitutional government in the United States.

From the emphasis that has been placed recently on decisions of the Supreme Court which have been adverse to acts of Congress—adverse because the court has held that these acts infringed in one way or another upon some right guaranteed by the Constitution—it might be thought that the court is constantly intervening in the work of Congress. Actually, only a very small fraction of the acts of the Legislature have ever been invalidated by decisions of the court. Year after year Congress has continued to grind out laws and more laws: even at the so-called "do-nothing" session which ended last August more than 900 new laws were written on the statute books. There they joined tens of thousands of other earlier enactments. And out of this great avalanche of Congressional legislation there have been invalidated by the Supreme Court—since the founding of the American Republic—just sixty-nine enactments.

It is important to note, moreover, that a large majority of these sixty-nine laws were invalidated either by a unanimous court or by a court with only one or two justices dissenting from the majority opinion. There is, to

PIGEON DROPS FLIGHT WITH BLACK PHOTOS

It Comes Down in Barnyard Near Baltimore, Flies Off, Returns and Stays

Special to THE NEW YORK TIMES.
BALTIMORE, Oct. 2.—A carrier pigeon to the leg of which was tied a small metal tube containing two tightly rolled photograph negatives of Justice Hugo L. Black and his wife came down in the barnyard of a dairy farm outside the city late yesterday. It bore also a metal tag with the symbol WDC-2945. After eating and being examined by children playing in the yard, the pigeon flew off. At noon today it reappeared, still carrying its burden. The tube seemed to hinder the pigeon's flight, so S. W. Hartford, manager of the farm, removed it. Turned loose, the pigeon refused to leave the barnyard.

Behind Washington Headlines

By H. R. BAUKHAGE.

JUSTICE BLACK'S GOWN WASHINGTON, Sept. 19.—A fine French silk gown arrives Monday in Washington which may never be worn. It was ordered in August by Associate Justice Black, but, if the situation now reaching a boiling point here doesn't cool off, a brand-new judicial robe and skull cap probably can be picked up at a bargain.

It isn't merely the fact that Mr. Black once wore a white robe, say some of the perturbed New Dealers, that may make him unworthy of wearing the more somber vestments. What these gentlemen who won't be quoted declare is that they now believe that Mr. Black had a hint of what was coming and for that reason took the oath as member of the court secretly and immediately departed for Europe. (The oath is traditionally administered in the robing room just before a new appointee takes his place at the bench for the first time.)

If this is true, if it is established that Mr. Black knew what was ahead and didn't warn the President, it is going to make his situation considerably worse.

The President's friends are far less concerned over the fate of the former Klansman than they are over the effect of the revelations on the White House.

They are worried. And the President is worried. For the affair has had the result of estranging some of his important influential supporters—men who hold public confidence because, while they have been frank enough to criticize the New Deal, they have stood firmly behind the President.

General Hugh Johnson is an example. Both in his writings in the last few days and in a recent speech, he virtually cut the last tie with his former chief whose policies he has often criticized but for whom he always has professed loyalty.

When the fiery general declared, as he did before a gathering of lumbermen in Chicago, that "the executive" was seeking power "to influence all the federal courts," referred to Associate Justice Black as a "hill-billy Ku Klux" and shouted that we were moving "straight toward as rigid a dictatorship as there is on earth," his words had definite repercussions in Washington.

These opinions, it can be definitely stated, were General Johnson's own and were not inspired by any advisers.

The morning that the papers reported the Johnson speech there appeared on the stands News-Week, the magazine with which today was merged. Raymond Moley, one-time close personal adviser to the President, and editor of Today, which was backed by Vincent Astor, another close friend of the President, has an interest in News-Week. The current issue carries a summary of the story of Mr. Black's connection with the Klan, and is profusely illustrated with documents. Mr. Moley's paper predicts that the affair will cause so-called liberals to lose confidence in the President.

These are only two straws, observers say, that point the way which the ill-wind is blowing that bodes nobody good, either Mr. Black or President Roosevelt.

ICKES'S SUGAR MILL The gentlemen who are trying to find sinister reasons for the President's distaste for the sugar bill, which didn't give Puerto Rico as big a share of the American market as the administration wanted, are now whispering that Mr. Ickes was the ax-grinder for at least one island refinery.

Mr. Ickes, it has been forgotten, runs the tenth largest sugar mill in Puerto Rico, now that he has become head of the Puerto Rico Reconstruction Administration.

The mill and the land belong to this government. The mill was purchased for \$3,500,000 with the idea of dividing the property and land among a number of co-operatives. Some 2,000 Puerto Rican farmers would, under this scheme, eventually hold the title.

The co-ops have been formed, but they haven't acquired the title, and won't, some pessimists predict, for another two decades or so. The catch is that the property must be paid for out of the profits, if any. And the "if" is the fact that the Puerto Rican reconstruction Administration gets its interest and expenses before the farmers get theirs.

It was a desire to show a good profit this year, friends of the "unholy alliance" (mainland sugar people) insist, that moved Mr. Ickes to battle so valiantly for the island competitors.

The sugar business is the third of Mr. Ickes' enterprises, the other two being the Virgin Island rum business and the Puerto Rican cement works.

BUFFALO BILL'S PAY Digging into the dusty files of the War Department, somebody has uncovered the records of William F. Cody—Buffalo Bill. He served as a civilian employe of the quartermaster corps at different times from October 5, 1868, into 1876.

Buffalo Bill worked for as low as \$75 a month as a scout near Fort McPherson, Neb., and earned as much as \$150 a month as chief scout with the fifth cavalry, and as guide for the fourth infantry on the famous Big Horn expedition. Later he got a flat fee for special jobs. He was engaged for the delicate task of arresting Sitting Bull. But no record of this service can be found.

ON PRESIDENTIAL ADVISERS Mr. Roosevelt's sudden and secret choice of Mr. Black almost without consultation brings up again the question of the presidential advisers—or lack of them. One seasoned observer of several administrations put it this way:

"Trilby lost her Svengali, Al Smith lost his Mrs. Moskowitz, and Franklin Roosevelt might well profit by their experience and look for another Louis Howe."

tionwide radio address last night, he maintained today the aloof silence of an associate justice. By his own statement he will not break that silence to discuss the Klan issue.

Both his friends and foes, however, carried on the verbal dispute which originated in the Senate before his nomination to the court by President Roosevelt was confirmed.

Generally his friends took the position that he had made an adequate explanation of the Klan charges when he said that he had joined the order 15 years ago but later had resigned and never rejoined. They expressed the hope the controversy would be dropped.

Many among those who opposed his appointment insisted their views were not changed by his speech. They continued highly critical and the impression prevailed that in political campaigns of the coming months, and probably in the next session of Congress, there would be renewed attacks.

Roosevelt Silent President Roosevelt maintained complete silence on the speech. Observers speculated whether the President would have anything to say on the matter when he returns after his western trip. He is due back Wednesday.

At the Supreme Court all was in readiness for the former Democratic senator from Alabama to take his seat when the tribunal reconvenes Monday after its Summer recess. Black was sworn in as a justice soon after his nomination was confirmed, but it was expected that Monday would take another oath at the bench in keeping with the traditional formalities for seating a new justice.

Among spectators at the ceremony, if any. And the "if" is the fact that the Puerto Rican reconstruction Administration gets its interest and expenses before the farmers get theirs.

probably will be Mrs. Black who was understood to have postponed a trip to Alabama in order to be present. While the Klan charge has provided the most spectacular phrase of the fight on Black, yet another point is to be settled by the Supreme Court itself.

Claiming that the Alabamian should be barred from serving because he was a member of the Senate when the Supreme Court retirement act was passed, Albert Levitt, former federal judge in the Virgin Islands, has asked the court to refuse him a seat.

Court Must Decide Levitt argues the retirement act increased the emoluments of Supreme Court members. Appointment of any congressman to an office whose emoluments were increased during his term is forbidden by the constitution.

The court may deny Levitt's petition, thereby killing it, or it may direct him to file a formal complaint after which arguments would be heard and a decision rendered.

Among those quick to comment on Black's speech were Senators Wheeler (D), Montana, and Burke (D), Nebraska, both of whom were leaders in the Senate fight against President Roosevelt's plan to reorganize the high court.

Wheeler called the address "a fine explanation" of the Klan charges, adding "I think he satisfied the people generally."

"I regret that he didn't take us into his confidence on the Klan matter," Burke said, "and give us the benefit then (at the time of confirmation) of the views he has now expressed."

Frederick H. Stinchfield, retiring president of the American Bar Association said that "if Mr. Justice Black says his record in the Senate far offsets the charges of bigotry resulting from the fact he belonged to the Klan, the average citizen must bow to that conclusion."

Another attorney, W. Conwell Smith, president of the Baltimore Bar Association, called the address "an explanation that will be satisfactory to all his friends but not quite satisfactory to his critics."

James H. Corbitt, member of the board of governors of the American Bar Association, said Black "failed to disavow the speech he is said to have made at the time he was given a life membership in the Klan."

Dr. Hiram Evans, the Klan's imperial Wizard, saying Black would "make a great judge," remarked he had been "trying to tell folks that after his nomination was confirmed, membership card didn't mean anything." He referred to a life membership card which Black said he never used and did not keep.

He'll Be At Court Black telephoned Frank Key Green,

the Supreme Court marshal, during the day and said he would be at the court Monday morning. Miss Ann Butt, Black's secretary visited the court for a few minutes and got the Justice's mail. A few telegrams had been received at the court since the speech last night. The attorney, who is head of the Anti-Nazi League and other non-sectarian organizations, added: "It seemed to me that his explanation should close the discussion. Of

Black Stirs New Furor By Speech

Withdrawal Of Justice From Klan Row Finds Friends, Foes Active Court Place Ready

Possible Roosevelt Move Waits Return From Trip; Ruling By Court Is Due

WASHINGTON, Oct. 2.—(AP)—Amid an uproar such as has seldom preceded the seating of a Supreme Court member, Hugo L. Black waited tonight to take his place as the ninth man on the nation's highest tribunal. As far as he, personally, was concerned the case made out by critics who attacked his appointment because of his connection with the Ku Klux Klan was closed. Having denied present Klan membership and denounced religious bigotry and race prejudice in his na-

9-20-37

Atlanta, Ga.

10-3-37

BLACK'S ADDRESS

No one expected the Metropolitan Press to accept Mr. Justice Black's statement with anything but contempt. His snub of the press by going to the American public over its head by radio assured that Mr. Black himself had no illusions about the attitude of the press or how his statement would be received by it in the light of the bigoted fight it had waged upon him in his absence. He knew full well that the chance for a fair hearing upon any statement he might make was closed to him by the men who had fanned the embers of the Ku Klux Klan controversy into a flame. He knew that his only opportunity for a fair hearing of any thing he might have to say would have to be a direct appeal to the people of the nation over the radio. As a medium for reaching the people it was the only unprejudiced avenue left open to him. He made full use of it to the chagrin of his persecutors who had hoped he would give them a statement to garble, misinterpret and misinterpret to the American people. He fooled them and they are plenty sore and will go to any extreme to discredit its greatness and get even.

Some Metropolitan papers say it lacked candor and was a poor expression of a man pleading guilty, while other papers just as critical, claim that it was clever—"Too damn clever." Some think that he held too much back while others thought he was frank, but should have been frank before his appointment and confirmation. Few of them are satisfied and would not have been regardless of what he might have said. Mr. Black knew that, and a hundred and thirty million American citizens knew the same thing.

He knew and the people knew that these boys did not want a statement, but desired his scalp in the form of a resignation. They wanted to gloat over the fact that they had driven Mr. Black off the High Court. They had built up a straw man out of the Ku Klux issue and wanted to knock it over.

Senator Borah, however, let the cat out of the bag when, in commenting on the speech he said, "He expressed the situation as I understood it in Washington at the time I stated he was not a member of the Klan." What Senator Borah knew, every one else knew.

It is inconceivable that any one in Washington as well as Alabama did not know or have reason to believe that Mr. Black did not at one time belong to the

Klan. They also knew that he was not then a member of the order. So all this furor about the Klan is all beside the point. It is a false issue. Mr. Black's 11 years as Senator gives the lie to the charge that he harbors any principles of religious bigotry or race hatred. He has been tolerant to the extreme in practice, which is full evidence of liberal principles of soul. "As a man thinks in his heart, so is he."

The point is this: Mr. Black was a liberal senator and is supposed to cherish certain economic principles, which are in accordance with Mr. Roosevelt's ideas and at the same time incompatible with the selfish aims of big business. Mr. Roosevelt launched a fight last winter to reorganize the federal judiciary, including the supreme court as the supreme court was concerned, did get only unprejudiced avenue left open to credit for bringing pressure to bear upon him. He made full use of it to the chagrin of his persecutors who had hoped he would give them a statement to garble, misinterpret and misinterpret to the American people. He fooled them and they are plenty sore and will go to any extreme to discredit its greatness and get even.

to fill the vacancy because of his public service in the president's estimation. Big business and its trameled press is more than scared. They have opened up the flood gates of torment and turned loose the hell-hounds of intolerance, bigotry and hate, not on Mr. Black so much, but upon the heels of the president. Having failed at everything else to drive the president's following away from him, his enemies, with their garblers of free expression, expect now because the new associate justice at one time joined the Ku Klux Klan to hound the president down, and great will be the ceremony when they brand him with the KKK and thereby hope to drive his Jewish support, Catholic following and the Negroes away from him.

His enemies will miserably fail because they go to such lengths that they will defeat their own efforts. The so-called interest and its press has been and is still too venomous and vicious in its attack. They take the American people for fools and forget that any of them think things through for themselves. They think their bought and paid for press is all powerful. The fact that that press and its paid writers, like David Lawrence, Frank Kent and a few more failed to scare the people from Roosevelt in 1936 should have been a warning to them. But the Hierarchy of ruthless business and its official organs never learn anything.

Mr. Black in his talk Friday night put the hot torch under the shirttail of those who have fanned the smoldering embers of religious bigotry, intolerance and race hatred into flame. They are now smarting under it and great is their howl. Our new justice decrys this attempt by his haters and persecutors to revive these disturbing factors in our national life. These same elements, it will be remembered, in 1928 fanned the flame to place Mr. Hoover in the White House. Mr. Hoover got full support of the Klan, North, East, West and South. He and his backers took full advantage of it and selfish business helped to fan the thing along and spent money in the south to carry several southern states for Mr. Hoover with Ku Klux Klan votes. It was a virtue then when it answered the purpose of the ruthless interests who had owned the country body and soul for the 12 previous years. But now these same interests take the other side of the question and convey the idea to the people of this nation that a former Ku Kluxer on the Supreme Court bench would foreshadow the crack of doom and the destruction of the bill of rights, guaranteeing full religious freedom in this country. "O! Consistency, thou art a jewel."

It is not the Klan that the Black persecutors fear. It is dead—very dead. It is a liberal minded, live Supreme Court construing the constitution as its founders anticipated—liberally, that they fear. This fight is made as a counter-charge against the president in his court fight with the hope of defeating his efforts to liberalize this high tribunal. It is more than that; it threatens as Justice Black says, to revive bigotry, intolerance and hate in this country and defeat many good men for public places of trust and raise to power the least qualified. It is one of the last attempts by the president's opposition to destroy the accomplishments of his consistent program for a permanent structure of government where democracy will be practiced as well as preached. These haters of the president think they have something in the "Klan chestnut," but it is our firm belief that the justness of the American people will continue to keep their balance and defeat these purveyors of hate, falsehood and bigotry in their unholly attempt to again seize the American government and pattern it to their whims and fancies. It will be remembered that in speaking at Madison Square Garden of the interests that are responsible for this fight, the president said in substance: "I hope to have history say of my first administration that the ruthless interests met their match and of my second program of the few who would administer that they met their match—the government in behalf of the few and the Klan the policy of the reds who would go so far as to destroy the government."

It is our prayer that the principles of our president in his Constitutional Day address will prevail against those who would destroy our democratic principles from within or without. If we had any prediction to make of the future, it will be that these very self-interests and their mouth organs, of our metropolitan press, when they have failed in this attack will begin a campaign for the dictatorship of a fascist state. Mr. Black did not at one time belong to the

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Public Opinion Shifts As Justice Takes Seat Following Radio Speech

BLACK'S RADIO AUDIENCE

Various guesses have been made of the size of the radio audience that tuned in to hear Justice Black discuss his Klan connections, October 1. Broadcasting company guesses were as high as 50,000,000 listeners.

From its own survey on Justice Black, which covered all 48 states, the Institute of Public Opinion estimates that about 9,000,000 radio sets were tuned in during the Black speech, and that the address was heard by approximately 20,600,000 persons.

By Institute of Public Opinion.

NEW YORK, Oct. 23.—Public demand for the resignation of Justice Hugo L. Black, because of membership in the Ku Klux Klan during the nineteen-twenties, has receded sharply since the justice took his seat this month following a nation-wide radio broadcast in his own defense.

A month ago public opinion called for his resignation in vigorous tones.

An Institute survey at that time found that although a majority of voters had approved Black's nomination to the supreme court when it was announced last August, 59 per cent of the voters thought he should resign after newspaper articles connected him with the Ku Klux Klan.

Today, however, public opinion largely accepts the accomplished fact. Justice Black is seated on the supreme court bench and is not likely to resign from it or be removed.

After the famous radio broadcast, and just as Justice Black took his seat, the Institute of Public Opinion repeated its earlier survey. The same number of voters—56 per cent—said they had originally approved the appointment of Black. But this time only 44 per cent said that they thought the justice should resign.

The two nation-wide surveys compare as follows:

	SHOULD BLACK RESIGN?	
	Yes	No
October 3 (Before taking seat)	59%	41%
Today	44	56

It is almost impossible to analyze separately the influence of Black's radio speech in this picture.

Black admitted having belonged to the Klan:

"I did join the Klan," he told the country. "I later resigned. I never rejoined."

Members of congress called it "a good speech," "a satisfactory explanation," and so on. Newspaper editorials found much to be critical of.

What did the public think?

Today's survey shows almost no difference of opinion between those who tuned in and those who didn't. Since the speech was made, and since Black took his seat, Democratic voters have largely accepted Black's appointment. Republican voters still think Black should resign. Here are the votes of listeners and non-listeners, by parties:

	SHOULD BLACK RESIGN?	
	Yes	No
Democrats who listened	34%	66%
All Democrats	36	64
Republicans who listened	64	36
All Republicans	61	39

Probably the best explanation of the swing in public opinion is the fact that Justice Black had not yet taken his seat when the first survey was conducted, and that he had done so when



Justice Hugo Black
Gains Strength

today's survey was made. It was a fait accompli.

Administration strategists probably relied on public inertia, as well as on Justice Black's persuasiveness, when they adopted a policy of "no comment" on the Klan issue. For the time being, certainly, it looks as if they were right.

Suppressed Groups Shift Toward Black

Today's survey reflects one of the sharpest changes ever measured in an Institute poll. The shift in Black's favor has occurred in every section, but with varying intensity. Every section but the south called for his resignation less than a month ago. Now only the northeastern states say he should resign.

Following are sectional breakdowns of the Institute's latest survey, with those of three weeks ago for comparison:

PERCENTAGE SAYING BLACK SHOULD RESIGN			
	October 3	Today	Points of Gain for Black
New England States	66%	58%	+ 8
Middle Atlantic States	66	56	+10
East Central States	61	42	+19
West Central States	62	39	+23
Southern States	35	27	+ 8
Rocky Mountain States	57	32	+25
Pacific Coast States	67	46	+21

Majorities of Catholics, negroes and Jews still consider that Black should quit, but time has whittled these majorities down to much less than they were at first.

The sharpest change is in the vote of members of the Catholic church. Eighty per cent said Black should step down in the first Institute poll, but only 63 per cent say he should resign in today's poll. The Jewish vote was equally high. Eighty per cent favored resignation in the first poll. Seventy-five per cent of the Jewish voters interviewed in today's test still say he should resign.

Negro voters favored resignation by a vote of 82 to 18 a few weeks ago. Now only 68 per cent favor it.

A second question in today's survey asked:

"If Justice Black does not resign, do you think congress should remove him?"

The question serves to test the intensity of anti-Black sentiment and to indicate the number of voters who are irreconcilable to the Klan connection.

Throughout the country, 31 per cent of the voters—less than one in three—favor such a drastic move. Democrats and Republicans divide on the question as follows:

Mr. Black's Burden of Proof

Those who believe there is a constitutional cloud on Mr. Justice Black's title to a seat on the Supreme Court bench may remain of the same opinion still. The court itself, however, has refused to examine that title and Mr. Justice Black apparently is in his seat to stay.

It is possible, of course, that the same constitutional questions may be raised again by someone who can show that he has more than "a general interest common to all members of the public." But certainly the interest common to most members of the public has been, not in the technical legal points that the court declined to hear, but in whether a man who once was a member of the Ku Klux Klan is qualified to be a justice of the Supreme Court.

Therefore the best answer to the question of Mr. Black's fitness as a judge is the record Mr. Black makes upon the nation's highest bench.

We hope that the record may prove so flawless in defense of human rights and civil liberties, and so free from the taint of prejudice with which the Ku Klux Klan was smeared, that all doubt concerning him will, in the fullness of time, be cleared away.

SHOULD CONGRESS REMOVE BLACK?

	SHOULD CONGRESS REMOVE BLACK?	
	Yes	No
Democrats	25%	75%
Republicans	45	55

Democrats
Republicans

Theoretically, as the newspaper commentator, Dorothy Thompson, has argued, the senate might withdraw its vote of confirmation on the grounds that it was falsely informed regarding Black's Klan membership. But as a practical maneuver such a step is extremely remote. Today's survey shows how quickly the debate has subsided.

JUSTICE HUGO L. BLACK

The trial of Associate Justice Hugo LaFayette Black now going on in the metropolitan and in certain of the religious presses is as incompatible with our institutions as are those principles accredited to the Ku Klux Klan and made odious by some of its alleged overt acts.

Named by the President for the U. S. Supreme Court, duly confirmed by the Senate, sworn in as a member of that Court, and a citizen of unblemished character, there appears to be no warrant for the extreme attitude by Justice Black's enemies.

That Justice Black was a member of the K. K. K. would appear to be fairly well established; that he resigned from the order appears from a letter; that he is not now a member appears, first, from his personal statement to Senator Borah in which he is declared to have said he is not a member, and second, from a statement by Hiram W. Evans, head of the order, that Black is not a member.

What should have great weight with all who feel that Justice Black will not mete even-handed justice to all from the Supreme Court bench is his record as a judge and legislator. It is stated that those who have examined those records are frankly unable to point to a decision or to the passage of a bill where he discriminated against our Negro, our Jewish, or our Catholic citizens. His whole public career; they claim, marks him as extremely fair and social-minded, with no racial or religious prejudices.

In the pending education bill which bears his name, there is no indication of his prejudice toward any group. When the Negro educators pressed for special aid to their schools in the South during the Senate hearing, he did not oppose their requests as such, but felt, some claim, that to amend the bill as they requested would make it impossible of passage. When an amendment to the Harrison-Black-Fletcher bill was urged making the funds available to public schools only, his convictions were, according to the tenor of the hearings, that the states should do with their allotments as they saw fit.

In the judgment of many serious and reflective minds, it is as unfair to assume that Justice Black would shade his interpretation of a law in favor of Protestant litigants or causes in which they were interested as it would be to assume that a Negro Justice, a Justice of the Roman Catholic faith, or a Justice of the Jewish faith of the Supreme Court would favor a Negro, Catholic or Jewish litigants or their respective causes. We know of no instance where a Supreme Court Justice or any other Federal Court Judge has thus prostituted his office. On the contrary, Justices in most cases have been particularly careful to be fair to causes involving religious principles contrary to their private opinions. Those who know Justice Black intimately hold that he will not stultify his own con-

ception of fairness, much less violate the implications of the Bill of Rights.

If the present outcry against Justice Black because of his former membership in the Klan is a national feeling averse to race hatred and religious intolerance, its effects will not be in vain; but if it is engendered by certain groups which demand tolerance while they give none, it will serve only to embitter and strengthen the old Klan spirit, as would now appear from the great number of applications for membership that are said to be coming in to Klan headquarters since the Black imbroiglio started.

But above all, let Justice Black be judged by his fellow-citizens on his legislative record and his decisions while on one of the lower courts of the State of Alabama.

Atlanta, Ga. Journal
October 2, 1937

Justice Black's Statement Confounds His Critics

THE SIMPLE truth and forthright sincerity of Justice Black's radio address to the American people have decided once for all, so far as open-minded citizens are concerned, the merits of the issue that prompted him to speak. That issue was raised, during his absence from the country, for the purpose of discrediting him and the President who appointed him to the Supreme Court. The concerted campaign to convict Justice Black of religious and racial intolerance rested on nothing more substantial than a charge that he had joined, some fifteen years ago, a society known as the Ku Klux-Klan. The rest was mere insinuation. His critics ignored entirely his eleven years' record in the United States Senate, a record bearing splendid witness to his devotion to all the rights of all the people—their civil rights, their economic rights and their religious rights—regardless of race or creed. The solitary mole hill out of which the propagandists conspired to make their mountain of prejudice was the circumstance that once upon a time Mr. Black was enrolled as a member of the Ku Klux Klan. And now mark how the plain truth has put them down:

"I did join the Klan. I later resigned. I never rejoined. What appeared then, or what appears now, on the records of the organization, I do not know. I never have considered and I do not now consider the unsolicited card given to me shortly after

my nomination to the Senate as membership of any kind in the Ku Klux Klan. I never used it. I did not even keep it. Before becoming a senator I dropped the Klan. I have had nothing whatever to do with it since that time. I abandoned it completely discontinued any association with the organization. I have never resumed it, and I never expect to do so. At no meeting of any organization, social, political or fraternal, have I ever indicated the slightest departure from my steadfast faith in the unfettered right of every American to follow his conscience in matters of religion. I have no sympathy with any organization or group which anywhere or at any time arrogates to itself the un-American power to interfere in the slightest degree with complete religious freedom. I have supported candidates for public office without reference to their faith. In my indorsement of applicants for governmental positions, I have acted without discrimination of any kind or character."

These are a few sentences from Justice Black's terse and straightforward address, delivered promptly upon his return from abroad and directly to the American public. The whole statement rings true to his character as a man who is liberal, fearless and poised. Not only does it cut the ground from under his hypocritical accusers, it also confirms the wisdom of his appointment and confirmation as an associate justice of the Supreme Court; for it reveals him as one who has the life, not merely the letter, of the Constitution written in his heart.

If those who in these recent weeks have prated of "intolerance" and of "prejudice" had now the gift to see themselves as others see them, surely they would be ashamed. For who else is so prejudiced who else so intolerant as they who shut their minds to all that the Roosevelt Administration has done for our country's welfare and who, in their fanatic zeal to discredit this administration's appointment of a Southern senator to the Supreme Court, have themselves flung out the black flag of religious and racial animosity? They have done their bad best to incite the very passions they pretended to denounce—and they have fallen, head-deep, into the political pit they were digging. "My discussion of the question,"

said Justice Black, "is closed." And The Journal believes that the public's discussion of the question is closed, except for a final laugh at the riddled propagandists and a cheer for the new associate justice.

BLACK PLEADS GUILTY

Mr. Justice Black has broken his silence. He told half of the population over a nation-wide hookup that he joined the Ku Klux Klan as far back as fifteen years ago. That was the time when the Klan was running rampant in this country, burning people at stake, using tar and feathers, and in one particular instance, we recall they tore out the pews of a Negro church and used them as kindling wood with which to burn a Negro to death. Mr. Black admitted every charge made against him in the Sprigle articles.

He then went on to tell the country how liberal he is; and how many Jews, Catholics and Negroes are to be counted among his friends. He was smart enough not to admit how friendly he is to Jews, Catholics and Negroes. In the language of one of our leading American newspapers, he was "too damn smart".

All that he said during his entire broadcast, the people of this country very well knew before he said it. We dismiss the whole broadcast as a piece of attempted, slimy deception which failed utterly to deceive anyone. The same kind of speech could be made by anybody after receiving appointment to the highest tribunal in the world.

But our complaint has not been met. Mr. Black pleaded guilty to the charges made in the Sprigle articles.

We want to know, and we have a perfect right to know, whether Mr. Black deceived President Roosevelt. It is very important that this be known.

Mr. Black, in so many words, told us in rather triumphant tones, too, if you please, that he tricked the Klan and got elected to the United States Senate; that he tricked the President and received the nomination to the Supreme Court bench; that he tricked his fellow Senators—including the smart Mr. Borah—and was confirmed; and finally, he tricked the Supreme Court by hastily taking the necessary oaths of office a month before he was to ascend the Supreme Court bench.

Having "tricked" everybody and made his job secure, he left for a vacation.

Now what we want to know is, whether the President knew Mr. Black was a Klansman before the Senate confirmed him. We want to know whether the President knew Mr. Black was a Klansman at any moment before confirmation. This is very important. If the President knew Mr. Black was a Klansman at any moment before confirmation, and then allowed Mr. Black to be confirmed, the President participated in the trickery perpetrated by Mr. Black. We cannot believe that a Roosevelt could be truthfully accused of such an act.

If the President did not know Mr. Black was a Klansman, the President cannot sit in silence and allow the public to charge him with knowingly placing a Klansman on the Supreme Court bench. If he was tricked by Mr. Black, the President's plain duty is to admit it and disavow the appointment.

Mr. President, you owe to us at least this much. Silence is not the answer. On the other hand, silence is dangerous.

Having expressed ourselves as clearly as possible on this matter, we shall consider this matter closed and await such a time as the President chooses to break his silence.

A. B. A. HYPOCRISY

Last week the American Bar Association met in Kansas City, Mo., made the welkin ring with denunciation of bigotry and intolerance, and several delegates took pot shots at Justice Black and the Ku Klux Klan.

We are glad to see the American Bar Association so wrought up about these evils, but we would be more convinced of its sincerity IF IT DID NOT BAR COLORED LAWYERS FROM MEMBERSHIP.

The Negro continues to be the test of American democracy.

There can be no end to bigotry and intolerance as long as discrimination and segregation because of color is generally practiced.

JUSTICE BLACK PLEADS GUILTY

HAD MR. JUSTICE BLACK made his very fine plea for racial and religious tolerance during the 1928 presidential campaign or on behalf of the Scottsboro boys, the public would have been much more inclined to believe in his sincerity. But it seems to us that when he pleads guilty to having once been a member of the Ku Klux Klan and couples this plea with the explanation that his whole public life has been one of tolerance and liberalism, he isn't quite accurate. He invites close scrutiny of his record as a United States Senator but asks the public to overlook his record prior to that time.

We have no doubt as to Mr. Black's repentance but that does not alter the fact that he failed to admit his Klan connections to his sponsor or the public. It proves that he was evasive and tricky.

He will continue to be known as the "Klan Justice" and will remain as a reminder to President Roosevelt of his biggest political blunder. That he does not intend to resign shows that he is considering his own selfish interest first and those of the public as secondary. His actions as Justice of the Supreme Court will be watched with keen interest, and we hope that he will not prove

"As fine a gentleman as ever scuttled a ship or cut a throat," once applied to the late Theodore Roosevelt by Henry Watterson, might very well apply to Justice Black.

Justice Black-k-k!

"MY BEST FRIEND was a Jew. I number many Negroes among my friends." How many southern white men have you heard utter these words and then go out and lead a lynch mob? Therefore, when Mr. Justice Hugo L. Black declared his undying friendship for Jews and Negroes last Friday night in his epoch-making radio address he was simply mouthing words—words which no Negro or Jew can easily believe.

Many southern white men, and the new Supreme Court justice is no exception, have always claimed to "love" and "understand" the Negro. Their records, however, have just as often refuted their declarations; for, if lynchings, disfranchisement and economic slavery depict love and understanding, then Mr. Justice Black never was a Ku Kluxer.

Therefore, our faith in American democracy has been dealt another severe blow by the seating of a Klansman on the Supreme Court. For we believe that once a Klansman always a Klansman. And Justice Black undoubtedly believes the same thing; for he said, while a member of the Senate: "Footsteps made in the sand today are the same as those made five years ago."

The elevation of a man like Mr. Justice Black to the most powerful tribunal in the world is bound to result in the lowering of respect for our laws—the foundation of American democracy. He proved that he is a racial bigot and is prejudiced against Negroes and Jews when he joined the Klan. He showed that he is lacking in judicial temperament when, as a Senator, he searched and seized private documents to further his Senatorial investigation. He practiced deception when he failed to inform his own colleagues in the Senate that he had been a member of the Klan. He has done more than anyone else to wreck the New Deal by keeping his tongue between his cheeks and not telling the President of his Klan connections when Mr. Roosevelt sent for him and told the Alabamian that he was going to be named to

the Supreme Court. He was instrumental in rushing his confirmation to the court by breaking all custom and having a Supreme Court justice swear him in at the Senate office building immediately following his confirmation.

In other words, no man ever named to the Supreme Court ever had a worse known record to uphold the Constitution of the United States than Mr. Justice Black.

Every Negro and every member of a minority group in America must take heed over the actual seating of a self-designated Klansman on the court. If it is thrust down our throats once it will certainly be tried again. And the next time it is tried the results may be worse than in Black's case.

Justice Black On the Spot

Because of Mr. Justice Black's progressive record in the Senate we were loathe to believe that the charges of prejudice and incompetency hurled against him were true, and at the same time we asked that the Ku Klux Klan accusation be proved.

Now, it seems that evidence is growing stronger and stronger against the new Justice concerning his Ku Klux Klan affiliation, and this puts him on the proverbial spot.

Those who have expressed hopeful opinions about the Alabama appointee are getting a little shaky at the knees and may soon be adding their voices to those of his opponents.

We were among those who were getting ready to say "I told you so" after the action of Justice Black on the High Bench had convinced Negroes that he was not prejudiced toward their welfare.

However, alliance with the Klan belies fair judgment on those questions of race discrimination which will come before the Supreme Court, and we have become sorely afraid that the jurist is going to let down Mr. Roosevelt and his other rooters.

His silence on the accusation seems to us to be his most incriminating action of all. It is not expected that a new jurist would give interviews to the press concerning what he intends to do on the bench. But it is expected—and, in fact necessary—

at this time that he speak out about the Klan issue.

The new Justice's silence means to us one of two things: either all that his enemies say is true about his affiliation with the Klan, or that he has not the courage to speak out about this organization of the Southland, one of the most vicious in this country in its social and economic aspects.

Even the mere suggestion of an alliance with the Klan belies any fair judgment on those questions of race discrimination that necessarily must come up from time to time for proper and fair adjudication before the highest court in the land.

We are therefore sorely afraid of the faintest possibility of Justice Black's letting his boosters down on those very same questions of fair play which once stamped him as a champion of the oppressed.

On this issue his silence on the face of the most damning accusations seems to be the most incriminating of all actions. Although it would be traditionally unethical for a jurist to make public what he intends to do on the bench, his connections, if such, with any vicious organization like the Ku Klux Klan should be either denied or affirmed. The public welfare demands it.

It All Depends

If Mr. Justice Black is, or was, a member of the Klan it does not make any difference to some people, who profess to see no reason why a Klansman should be disqualified from sitting upon the Supreme Court. For example, the Portsmouth Star would like to know

... "what does one's membership in a fraternal, religious, civic, commercial or what-not organization have to do with one's fitness to hold public office—even appointment to the Supreme Court bench? In what manner does such affiliation disqualify a man? Where in the constitution does it say that if a man belongs to this church, that fraternal order or such-and-such secret society—even the 'Invisible Empire,' such members are disqualified?"

Legally there is only one answer to The Star's questions. Membership in any fraternal society, civic or commercial organization, or any religious body does not disqualify any man from holding public office—ever. Membership on the highest court in

the land.

But would the Klan come within the meaning of the organizations listed by The Star? Has anybody ever heard of the Masons, the Pythians, the Baptists, the Catholics, the Presbyterians, the Rotarians or the Anti-Saloon League pulling off any such stuff as sent Indiana's Klux dragon one D. C. Stephenson, to prison for rape and murder, crimes that were committed in the furtherance of political bribery and corruption under the auspices of the Klan?

Has any one ever heard of an average fraternal, religious or civic organization setting itself up as an "Invisible Empire" and governing a city, county or state by acts of terrorism and murder?

It all depends upon what kind of a fraternal, civic, commercial or religious organization one belongs to when it comes to appraising one's fitness for public office, or for the Supreme Court. There may be no question of the legality of one's membership in an organization that is ostensibly legal, but what about the morality of such membership when the acts of the organization are immoral and illegal?

BLACK AND WHITE

Hugo L. Black, Associate Justice of the United States Supreme Court by the grace of Franklin D. Roosevelt and of a Senate in a hurry to go home adds another robe to his wardrobe. This time the robe in black and symbolic of the dignity and of the power of the law of the land.

The white robe he owns and, which ownership he has acknowledged, is perhaps a little dingy, but it is still a badge of dishonor and ignomy. Klansman Black will never be Mr. Justice Black to the millions of Catholics, Jews and Negroes he is under solemn oath to despoil, persecute and oppress. This time a president of the United States of America has lighted the fiery cross in the temple of justice to which the oppressed have, thru the years, looked for succor and relief. The black and white robes of Klansman Hugo L. Black are as paradoxical as are

the two oaths he has taken. One to defend and support the Constitution of the United States and mete out equal justice to every American regardless of race, color, class or creed, and the other to violate every concept of humanity and in contempt of the Constitution of the United States and of the Bill of Rights, persecute all upon whom the Invisible Empire places its frown of disfavor.

One who breaks an oath subscribed to under the promise of frightful penalties for its violation cannot be depended upon to keep another where the price for a violation is infinitely cheaper. We hope that Mr. Justice Klansman Black will not, in error, some day at noon enter the august chamber of the Supreme Court of the United States garbed in his white

robe instead of his black one. Mistakes will happen even to the most careful. Black and white are equally effective to indicate mourning. Perhaps the President of the United States, who caused this shame, will in mourning and repentance suggest to his Klansman appointee that he sit in the court attired in his white robe while his eight associates adhere to the more sombre color. It is a possibility that after all, Mr. Roosevelt might feel that the black robes worn by Supreme Court Justices, since the beginning of the nation, belong to the "horse and buggy age". The white robe of the Klansman, perhaps, fits in better with the "New Deal" and the "More Abundant Life".

Clarkesville, Tenn., Leaf-Chronicle
October 2, 1937

Black Makes His Answer

"The insinuations of racial and religious intolerance made concerning me are based on the fact that I joined the Ku Klux Klan about 15 years ago.

I did join the Klan. I later resigned. I never rejoined. What appeared then or what appears now, on the records of the organization I do not know." In brief this was the heart of Justice Hugo L. Black's radio address to the people of the United States and to the world in answer to critics that he is a Klansman and therefore is unfit to sit on the Supreme Court bench.

The new Justice laid his cards on the table. He admitted he once belonged to that organization---back in 1925---but had not held membership in it since becoming a Senator. Doubtless many other Senators and Congressmen from the deep South have at one time or another held membership in the Klan which is now a vanishing organization, vanishing because it has no real place in America.

Mr. Black could have confined his address to his liberal record which refuted the principles of the Ku Klux Klan. He could have evaded the direct statement that he once belonged to that organization. He could have continued to refuse to answer, hoping the controversy would soon die out. Instead he chose the other course, speaking in a manner that could not be misunderstood.

What is more important now is what Senator Black is, not what he might have been twelve years ago. His record as a liberal Senator refutes charges that because he was once a Klansman he is intolerant, prejudiced and a religious bigot.

Continuing, Mr. Black said: "I have no sympathy with any organization or group which, anywhere or at any time, arrogates to itself the un-American power to interfere in the slightest degree with complete religious freedom." A Brandeis or a Cordoza could not have spoken better.

Mr. Black buried for once and for all the criticism against him as a Klansman. It is unfortunate that he once joined the Klan. But that is in the past. What he did 12 years ago is not an impeachable offense now.

President Roosevelt may or may not have made a wise choice for a Justice. Mr. Black may or may not be qualified to occupy the Supreme Court bench. But that is up to him in the future, not what he might have been in the past.

Having made a straightforward explanation to the American people, having admitted he once belonged to the Klan and having laid his cards upon the table in a frank and fearless manner, Mr. Black is justified in declaring the matter is now closed so far as he is concerned. If his critics refuse to close it, if they continue to declare he is ineligible because of his past affiliation

with the Klan, they will be guilty of the same offense they have sought to pin on the new Justice---persecution based on intolerance and prejudice.

The unprecedented radio address of Justice Black Friday night made history in the United States. There was something singularly significant in a Supreme Court Justice making a defense before the American people. The explanation is that this country is a Democracy and after all the people, themselves, are the supreme judges. If the people refused to accept a Supreme Court Judge, the Jurist would be compelled inevitably to resign. Can we imagine such Democracy in Italy, Germany or Russia? Of course, indirectly, the people will finally win in these countries, but a sudden victory would be at a cost of blood and persecution. In America it is different. May it always be so.

Lawyers Still Puzzling Over Implications Of Black Case

WASHINGTON, Sept. 25.---(AP) The nation's lawyers are spending much of their spare time these days puzzling over abstruse legal questions raised by appointment of Senator Hugo L. Black as associate justice of the Supreme Court. So unprecedented is the situation growing out of allegations that he had been or still is a life member of the Ku Klux Klan that legal students are convinced answers to some of the questions may not be forthcoming for months---if ever.

First among the topics of discussion is whether he will resign as justice when the boat now bringing him across the Atlantic arrives in this country.

President Roosevelt will be on his western trip next Wednesday when Black's boat docks at Norfolk and does not plan to return to Washington until after the court holds its first meeting on October 4. A lot can be said over the telephone, however, and there are other means of communication.

Many experts express the opinion the president should he desire to force Black off the bench, would be powerless to do so if the justice chose to remain. They point out that the executive branch, Congress and the judiciary are independent of each other under the Constitution.

On May 27, 1935, the Supreme Court ruled unanimously that the President had exceeded his powers in attempting to compel the retirement of the late William E. Humphrey as a member of the Federal Trade Commission, a semi-judicial body. This ruling is frequently cited as a precedent for the situation regarding Black.

Other questions are involved in a petition presented to the court itself by Albert Levitt, former Federal

judge in the Virgin Islands and until recently a special assistant to Attorney General Cummings.

Like a number of Senators, he contends that Black is constitutionally ineligible for the bench because no vacancy existed and because the appointee was a member of the Senate which voted an increase in the "emoluments" of the office. This argument was based on the recent legislation permitting justices to retire at full pay of \$20,000 a year after they became 70 and had served 10 years. After this act was passed, Justice Willis Van Devanter took advantage of it and wrote the President that he was retiring on June 2.

Van Devanter Still Member? Levitt contends that Van Devanter technically is still a member of the court and will remain so until he completely severs his connection by resigning. Hence, he argues, there is no vacancy for Black to fill.

He also insists the retirement act increased the "emoluments" of the position by assuring the full \$20,000 after retiring. The Constitution provides that "no Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time."

Levitt's request for permission to file his petition, under the customary procedure, will be discussed by the justice sometime during the week beginning October 4 and an announcement made on October 11. The announcement, if the regular form is followed, will consist of one word: "Granted" or "denied."

If it is denied, that will end the matter. If it is granted, arguments would be heard and a final decision rendered. Black could be represented by counsel to defend his interests.

Some legal observers contend that Black would be eligible, if he should wish, to participate in the decision. They argue that he was appointed by the President, confirmed by the Senate, took the required oaths and now is just as much a member of the court as Chief Justice Hughes.

They point out that the constitution give the Senate and House the right to pass on the qualifications of their members, but that this is not bestowed on the court. Justices are to "hold their offices during good behavior."

Frequently justices disqualify themselves from passing on litigation in which they have a financial interest, or which involves members of their families or companies for which they formerly served as attorneys. But, court attaches say, whether they shall disqualify themselves is up to the individual justices. There is no law requiring them to step aside.

Experts say the new justice would be entirely free to pass on the constitutionality of any of the laws he voted for while a member of the Senate. This includes the proposed wages and hours bill, which he backed, awaiting consideration at the next session of Congress.

Decisions Face Challenge Another question being discussed in the event Black ever was a member of the Klan, is whether Catholics, Jews, or negroes could challenge five to four decisions against them in which the justice was on the winning side.

It also has been suggested that, if Black was a member of the Klan, attorneys for Catholics, Jews or negroes might make a motion in advance of argument that the justice retire. In that event, the court would have to make some disposition of the motion. Court attaches say they never heard of that having been done.

Since the court first met in 1790 at New York, seven persons have turned down appointments after receiving Senate confirmation. None furnished a parallel for the present situation.

The latest was Roscoe Conkling, United States Senator from New York, who refused nomination as associate justice from President Arthur in 1882. There was considerable criticism of the appointment because Conkling had been in politics for so long. That he did not care for a judicial post was indicated, however, by the fact that he previously had refused President Grant's informal offer to appoint him chief justice. The other six, in the order in which they occurred, were:

Robert H. Harrison, of Maryland, declined in 1789. He preferred to be chancellor of Maryland. William Cushing, of Massachusetts, associate justice of the court, refused promotion to chief justice in 1796

after objection that his age (64) and ill health made it desirable that someone else be named to head the tribunal. John Jay, of New York, the first chief justice, declined reappointment to that position in 1800 because he did not see much future for the tribunal and because Congress had no

of too much of a political partisan.

of Massachusetts William Smith, United States Senator from South Carolina, would not

because he wanted to be free to advocate the policies of President Andrew Jackson.

because he was

because he was

The whole American people know that Mr. Justice Hugo Black belonged to a secret political society which is inimical to Jews, Roman Catholics and negroes because they are served by a free press. If the incident had occurred in Russia, Germany or Italy, from which countries the Roosevelt administration has borrowed political ideas, the news would have been suppressed. Conditions prevail in countries wherein newspapers are controlled by government which do not prevail in the United States for the reason that some conditions cannot stand the light of newspaper publication.

The first amendment to the federal constitution has stood between the American people and designing politicians in times of crisis. When the Roosevelt Blue Eagle, emblem of the National Recovery Act, was in full flight, the chief of the ballyhoo section was its keeper and there were suggestions that American newspapers should be licensed by the federal authority. The first amendment to the constitution interfered with this political maneuver. If the federal government could license the press, and had done so, who believes that Mr. Justice Black's record, from which he shied, would have been disclosed in the newspapers?

Because they have a free press, the American people have what is going forward in this world. They know it promptly and truly. They do not read reports which have been approved by censors of any sort. They know now more about the Sino-Japanese war than the Japanese do, more about German and Italian conditions than the Germans and the Italians do, more about French difficulties than the French do. Its uncontrolled newspapers inform the country fully and freely.

Newspapers can live under censorship but where the press is controlled by selfish politicians the people read only what the bosses wish them to read. The people pay a much greater price for censorship than newspaper publishers do. Their press being free, the American people, from time to time, have been warned fairly when their rights were in peril. They have been warned of the danger to them if workers in all spheres should be regimented as they are in nations under dictatorship. If the American people should lose liberties it would not be because they were not on notice. The exposure of Mr. Justice Black was an earnest of the purpose of a free press to warn a free people.

Justice Hugo Black made a fifteen minutes speech last Friday night over a world-wide hook up in which he candidly stated that some 15 years ago he was a member of the Klu Klux Klan in Alabama; that he subsequently resigned his membership, and for a dozen years has had no affiliation with the order. He denied that he was in any way prejudiced against Jews, Catholics or Negroes—that his record as a member of the United States Senate would testify to the truthfulness of the statement.

At the conclusion of his address he stated that so far as he was concerned the matter of his Klu Klux affiliation was ended and he would have no further statement to make.

Justice Black, contrary to the expectation of his enemies, refrained from any denunciation of those who have hounded his footsteps since his appointment to the U.S. Supreme Bench because of his membership in the Klan some 15 years ago.

He has dismissed the matter in a very satisfactory (to his friends) and dignified manner, and has taken his seat on the Supreme Court Bench where he will make a splendid record as an outstanding Judge.

FAIR ENOUGH

By WESTBROOK PEGLER.

Senatorial NEW YORK, Sept 22. — If this thing means what I think it means, I hope I misunderstand it.

I refer to the proposition that when any member of the United States senate is nominated for a place on the supreme court, senatorial courtesy requires that he shall be confirmed without a struggle on the ground that he couldn't be a senator if there were anything wrong with him. This would be an assumption of virtue and fitness in violent disagreement with much past experience of the body which is sometimes called, but invariably with a smile, the most exclusive gentlemen's club in

the world.

It would far exceed the degree of confidence expressed by the electorate whose verdict in many cases is merely that the people's choice is the least offensive of a bad lot, but that he is perfect.

By and large, the reputation of the senate is distinctly better than that of the Chicago city council, for example, and the boys may take such pride as they like in the fact that their composite police record compares favorably with that of any other body of similar age and size, if it does.

They took firm steps, as the saying goes, a couple of years ago, with an elderly employee of the senate who made a few dollars by writing a magazine piece in which he tossed off the ambiguous compliment that there were fewer crooks in the senate than one might suppose.

It was difficult to arrive at this suppositional figure, and, anyway, the remark was so phrased that in dissenting from it the elder statesmen had to be careful lest they seem to argue that there were more crooks, not fewer. They got around it, however, and their honor and dignity were vindicated by their own verdict, but they still failed to convince the country that membership in the senate was conclusive proof of honesty, much less wisdom.

Low Order The senate is what it is, and we all know just about what it is, which is another way of saying that we know it contains a large proportion of graduate county prosecutors and big-time machine politicians.

Some of its members are appointed by governors belonging to a very low order of political life, and there have been such appointees, in addition to certain elected members, whom no courtesy, however generous, could clothe with an appearance of decent conscience, dignity or principle.

Yet the theory advanced in the discussion tardily aroused by the confirmation of Hugo Black would hold that anyone holding down a seat in the senate is above rejection or even serious inspection on grounds of courtesy alone.

That is carrying nice manners to an extreme the folly of which has been demonstrated in the confirmation of a liberalizing force who now is rather widely understood to have belonged once, if he does not still belong, to an organization of night-riding terrorists.

Members who voted for Mr. Justice Black have now admitted that they did so on second-hand assurance that he did not belong to the Ku Klux Klan and that they would have turned him down had they known that he did belong. But they did not violate senatorial

courtesy to the extent of putting the question to him, preferring, instead, to rely on his own appreciation of that courtesy by which they set so much store themselves.

Answering Any man not a member of the club, however, would have been required to answer direct questions, and the Department of Justice, which also waived its normal duty in an extension of the senatorial courtesy toward Mr. Justice Black, would have combed its record from his kindergarten days to make sure that he never canned a dog, whispered in class or dumped over a little edifice on Halloween.

All this begins to mean that henceforth, if the senate still insists on the same rule of courtesy that gave Senator Black a base on balls, it will be against the public interest to select a supreme court judge from the United States senate.

Perhaps, looking around their membership and remembering some of the things that they know about each other, but never mention, they will now change the rule to preclude regrettable impositions on their mutual politeness. Courtesy between members of the club is all right within limits, but there comes a point where it amounts to something much worse than mere discourtesy to the country.

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BLACK KEEPS SEAT IN COURT RULINGS; NEW FIGHT HINTED

High Tribunal Turns
Down Motions of Two
Lawyers Challenging
Right of Justice to Post;
No Direct Injury Found

LEVITT INDICATES
ANOTHER PETITION

Decision Is Announced
by Hughes Leaves Open
Possibility of Further
Litigation in Contest

WASHINGTON, Oct. 10. (UP)—The supreme court today rejected two motions designed to unseat Justice Hugo L. Black on the ground that the attorneys involved had not sustained any "direct injury" as a result of President Roosevelt's appointment of the Alabama senator who once belonged to the Ku Klux Klan.

The court's action, announced by Chief Justice Charles Evans Hughes, left open the possibility that a litigant before it who cannot show that he "has sustained or is immediately in danger of sustaining" such injury could raise the question of Black's eligibility anew.

Black Is Silent

Black did not participate in the decision, Hughes revealed, nor in the drafting of a long list of orders by which the court accepted several New Deal cases for review and dismissed others.

The new justice gave no indication by his expression that he had the slightest interest in the attempt to deprive him of his \$20,000-a-year life job.

The two motions directed against Black were filed last week by Albert Levitt, a short, jolly man with black horn-rimmed glasses, who turned to the Bible for an expres-

sion of his disappointment at the son of his ineligibility under Article 1, Section 3, Clause 2 of the constitution of the United States, and Patrick Henry Kelley, a Boston attorney, who was uncertain whether he could take any and because there was no vacancy for which the appointment could be made.

Levitt, asked for comment, referred questioners to the Book of Job, Chapter 13, Verse 15, which reads: "Though he slay me, yet will I trust in him: but I will maintain mine own ways before him."

New Action Hinted

That was Levitt's way of hinting that he had another string to his bow, and four arrows from which to choose another shaft aimed at Black's technical right to sit on the high tribunal.

"At this moment," he said, "I do not know which of four legal steps will be taken. It will depend on further thought and consideration of the opinion."

Kelley accused the court of "evading" the issue he and Levitt had raised, which involved two points:

1. That Justice Willis Van Devanter's retirement did not create any vacancy on the supreme court.
2. That Black, as a member of the congress which "increased the emoluments" of the post of a justice by protecting his pay on retirement against cuts, would not be eligible anyway.

"The court sua sponte (of its own motion) when informed that an imposter or usurper is seeking possession is bound to verify the truth of the matter," Kelley contended.

"If a private citizen informs the court that any lawyer of the court is guilty of misconduct the court is bound to investigate that charge and if it does not do so it violates its oath to keep the court pure and beyond suspicion."

He argued that if the avenue left open by today's decision—a future litigant refused to proceed until Black retired from judgment on his case and won his point, other litigants would demand the same rights and Black would have to keep retiring from cases.

Rejection Defined

That problem, however, presumably will be met by the court when and if it is raised. Hughes narrowly defined the reason for rejection of the pending motions in these words:

"The grounds of this (Levitt's) motion are that the appointment of Mr. Justice Black by the President and the confirmation thereof by the United States were null and void by rea-

Decisions Brief

It took Hughes exactly four minutes to announce the disposition of nearly 350 petitions and to dismiss the two motions. Then, after swearing in a group of attorneys applying for the right to practice, the court within a few minutes began hearing argument on the first cases of the 1937-38 term.

Among the cases accepted for a final decision were:

A petition by the Newport News Shipbuilding and Drydock Co. for review of a circuit court decision rejecting the company's application for an injunction against the National Labor Relations Board. The case will determine whether the labor act, upheld last term, applies to the shipbuilding industry.

A petition by the Aluminum Company of America seeking to enforce a lower court injunction to halt the government's anti-trust suit designed to dissolve the vast monopoly.

A new test of the New Deal's gold clause repudiation involving a case somewhat similar to one already on the calendar. A slightly different type of gold clause case, in which the government was upheld by the District of Columbia court of appeals, was rejected.

Others Rejected

Among the cases rejected were: An attempt to test constitutionality of the 1936 commodities exchange act. The supreme court's dismissal upheld circuit court decisions maintaining the statute's validity.

In addition the court upheld the right of state moving picture cen-

sorship boards to ban exhibitions of certain films within the state. It rejected an appeal from New York, where censors had banned the Czechoslovakian film, "Ecstasy," celebrated for its scenes of the lovely star, Hedy Kiesler, in the nude.

Black Foes Expected To Meet Rebuff

Court Believed To Have
Reached A Decision On
Motion To Oust Him

May Tell It Today

Observers In Capital Feel
Justices Will Decline To
Hear Associate's Critics

WASHINGTON, Oct. 10. (AP)—Mr. Justice Hugo L. Black, the most controversial figure to have ascended the Supreme Court bench in generations, is due back as front page news tomorrow despite his incommunicado role since he took his seat.

The court is expected to announce Monday, among hundreds of other orders, whether it will consider technical challenges to Black's right to his seat. They have nothing to do with his one-time membership in the Ku Klux Klan. Yet the storm of political controversy still swirling about circumstances of his appointment and confirmation as associate justice, make that the backdrop of the scene that may be enacted tomorrow in the court.

Not that there will be visible drama about court action. There never is. Yet the mere fact that the fight against Black's elevation to the high bench has been carried beyond the traditional last ditch—Senate confirmation—shatters precedent. No man remembers of his own knowledge when That Justice Black himself and a member of that tribunal, duly invested with his robe of office, lay under such a crossfire of legal and personal attack as Justice Black faces.

Can't End Klan Protests
It makes little difference whether the court throws out the Black ouster-

ter motions tomorrow or on another day. A new wave of the Black-Klan controversy is impending whatever happens in the court, or even if nothing happens. That is the way the cards are set to fall.

Guessing at what the Supreme Court will do is the most unprofitable part of Washington reportorial work. There are no good hints from informed sources by which to steer a course as there always are in forecasting legislative or executive action. Supreme Court proceedings prior to formal announcement of opinions are more jealously guarded than prime military secrets, if any.

Yet there is widespread belief in Washington that the court will not hear the Black ouster motions. The basis of that largely is the virtual unwritten rule of the court not to pass upon constitutional questions unnecessarily. And there are many technical "outs" to which the court could resort if so minded to avoid weighing Justice Black's legal right to his seat.

An untold number of petitioners have been turned away from the high court through the years on the ground that they could show no sufficient material personal interest in the questions they sought to raise. That, it is anticipated, might apply to the two lawyers who have sought directly to challenge Black's tenure and not as incidental to a pending case in the disposition of which they or their clients did have such interest. There are hints that the lawyers involved themselves expect such action and are planning other legal moves.

Decision Believed Reached

There were strong indications yesterday that the court reached a decision on the Black ouster motion. The justices held their regular Saturday secret conference, but before it concluded Black emerged from the meeting room. This was taken as an indication that he had excused himself while the other justices discussed the motion involving him.

As long as the question of his constitutional right to his seat remains undetermined—and only the Supreme Court could finally settle it—Justice Black faces a possibility that it will arise again to plague him in any case brought before the court. Parties to any future litigation might show direct interest inasmuch as participation in the judgments they sought by against Black's elevation to the high bench has been carried beyond the traditional last ditch—Senate confirmation—shatters precedent. No man remembers of his own knowledge when That Justice Black himself and a member of that tribunal, duly invested with his robe of office, lay under such a crossfire of legal and personal attack as Justice Black faces. It would seem prompt and conclusive disposition of the question than to raise counter-technical objections to its considera-

Fair Enough

By
WESTBROOK PEGLER

Black Has Now Spoken And Furor
Is Over; Klan Issue Will Die
Down, Pegler Says



It is my guess that the Ku-Klux issue will soon die down, merely because it takes two to make an argument, and Hugo and the President are smart enough to see that if they keep still the opposition will have to start repeating. Moreover, the opposition will be talking to itself. After awhile the public will get tired of the repetition of a constantly sour note and, out of annoyance if for no other reason, will say something to the general effect of "Oh, dry up about the Klan."

It seems probable also, that the three elements of the population which were singled out for discrimination and other dirty treatment by the organization to which Hugo gave an oath, will have nothing to fear at his hands as a justice of the Supreme Court. He is sitting pretty in a well-paid, permanent job, safe from reprisals by his old comrades in the sacred, unending bonds of Klannishness, and that security is by no means the least attraction to a politician of his type.

HE QUIT WHEN THE HEAT WAS TURNED OFF

If Hugo could have won election to the Senate in the first place without joining up, he probably would have held aloof. It seems so from his radio oration. And, on his record, it appears that as soon as the heat was off back there in the '20's and the Klan no longer was in a position to yank him around by the mouth, he permitted himself to take up normal association with those late untouchables who came within his professional and social zone.

So we have for assurance on this score the fact that he is now independent of the Klan's anger and the wrath of all the carbon copies of that organization which are now springing up around the country plus an apparent lack of serious personal religious and racial intolerance, plus one thing more. Another assurance is the fact that although he did not denounce but merely renounced the Klan, he did denounce with considerable emphasis the selling points by which the Klan was peddled to native-born, white Protestants. He could have been less slippery, but after all, here is something to chew on in the paragraph where he said:— "At no meeting of any organization, social, political or fraternal, have I ever indicated the slightest departure from my steadfast faith in the unfettered right of every

American to follow his conscience in matters of religion. I have no sympathy with any organization or group which anywhere or at any time arrogates to itself the un-American power to interfere in the slightest degree with complete religious freedom. No words have ever been or will ever be spoken by me, directly or indirectly, indicating that any native or foreign-born person in our free country should or could be restricted in his right to worship according to the dictates of his conscience."

OTHER DOUBTS ARISE AS TO HIS FITNESS

Against the truth or honesty of these statements his Klan oath must be considered. If he never had any sympathy and so forth why did he join the Klan, and if the Klan wasn't opposed to racial and religious tolerance why did he quit it? Nevertheless, one consideration taken with another gives a feeling that on these matters Hugo will try to be decent from now on.

As to his fitness otherwise to serve on the big court the doubts are more lively. You have to form an opinion of his honesty by his conduct during the confirmation process and by remembering that, for cheap political advancement, he took an oath to an outfit dedicated to propositions which he now declares that he always has abhorred. You have to bear in mind, too, that, like the President himself, he has been reckless in his harassment of people whom he was determined to get or at least determined to humiliate. There are other rights besides those of religious and racial freedom for which people sometimes must appeal to the Supreme Court, and Hugo may not be very fastidious in his regard for those rights if they seem to obstruct the measures for which he has been selected as yes-man. As to those there is no assurance beyond his general oath and his conscience.

Anyway, the wheel has come a full turn, hasn't it? For years, Hearst invaded the private affairs of unfortunate private citizens, printing their diaries and letters.

Then Hugo started fumbling through Hearst's private correspondence, and Hearst yelled bloody murder, while Hugo chortled. And finally, a Hearst paper once removed dug up the record of Hugo's Klannishness and he in his turn, squawked about a concerted campaign to fan the flames of prejudice.

Bar Association Is Unlikely To Act On Black Dispute

KANSAS CITY, Sept. 28—(AP)—The appointment of Senator Hugo Black of Alabama to the Supreme Court was both criticized and inferentially defended before the American Bar Association today, but the record gathering of more than 3,400 delegates displayed no intention of entering extensively into the controversy.

In silence, the important resolutions committee took under consideration a proposal that "the relevant facts" be ascertained by an impartial committee of five created by the association.

The only one who spoke in behalf of the resolution was its originator, Robert Lee Tullis, 73, former dean of the Louisiana State University Law School, who asked the bar to hold membership in a "secret, oath-bound order, actuated by religious and racial animosity" to be incompatible with membership in the court. The resolutions committee will report Thursday.

Before another sectional group of the bar, Isidor Lazarus, chairman of the committee on professional economics of the New York County Lawyers' Association, questioned whether Black's reported membership in the Ku Klux Klan was the real objection of his critics.

Lazarus speculated whether a big objection might be the fact that Hugo Black was a new deal senator with such an economic education that he would be likely to vote as a liberal on the bench.

The resolutions committee of the Junior Bar Association turned down a resolution holding that membership in secret organizations subversive to law and order is inconsistent with tenure of judicial office. The committee's notation on the rejected resolution was that the general theme was acceptable but it was too hard in scope.

President Roosevelt's Supreme Court reorganization plan, which has been a target of convention speakers, figured in a heated session today of the Junior Bar's nominating committee.

After the committee recommended Weston Vernon, New York, for chairman—the group's highest position—Robert Pharr, of Memphis, Tenn., present vice-chairman, was nominated from the floor. Spirited debate followed in which supporters of Pharr pointed out that although he first favored the President's court plan he now is against it.

Hickory, N. C. Record
October 2, 1937

JUSTICE BLACK COMES CLEAN

The precedent-breaking speech of Mr. Justice Hugo L. Black, delivered over a nation-wide radio network Friday night, was an oratorical gem of simplicity and effectiveness.

Speaking slowly, clearly, and with an earnestness that carried the conviction of absolute candor, the new appointee to the United States Supreme Court entered emphatic denial to the current charges that he is now a member of the Ku Klux Klan.

That he did join the hooded order about fifteen years ago, the speaker frankly admitted—but he also declared that he subsequently resigned and never rejoined. The explanation offered was such as to satisfy all reasonable doubts concerning the fitness of the Alabaman on that score, to serve as a member of the highest American tribunal.

It is pleasing to note today that former Federal Judge Albert Levitt, who brought a suit to prevent Justice Black from holding his seat on the Supreme Court bench, is sufficiently generous to refer to the speech as "a splendid statement of Black's own tolerance in all matters affecting religious freedom", and declare that it disposes of the Klan issue.

The new Justice did well to call attention to his official record in the United States Senate for the past eleven years, which he asserted should serve to refute every implication of racial or religious intolerance. Everyone who is familiar with affairs in the national capital knows that Black spoke the literal truth when he told his listeners that he "was of that group of liberal Senators who have consistently fought for the civil, economic, and religious rights of all Americans, without regard to race or creed."

The Record feels that the millions who heard the statement of Mr. Justice Black, were sobered by what he said and feel that he has succeeded in vindicating himself completely on the eve of assuming his judicial duties.

New Deal Blinds Its Zealots

The extent to which the vision of able men of the lash, the bludgeon and the torch, is may be blurred by factionalism and warped too well established to require any examination by the hope of patronage is impressively illustrated by the interview given out Friday by Representative Ramspeck, of the Fifth Congressional district, in which he comes to the defense of Klansman Hugo Black. Mr. Ramspeck says that all this criticism about the Ku Klux Klan is just "anti-administration politics." Even if Black were a member of the Klan, says the representative from the Atlanta district, "he hasn't taken any obligation that would interfere with his duty as an impartial justice."

Continuing his statement, Mr. Ramspeck says that "anybody who knows anything about the ritual of the Ku Klux Klan must admit that there is nothing about it that the American people could object to." "So far as I know" he said in conclusion, "there has never been anything in the ritual that could be construed as anti-Catholic or anti-Jewish." He informs us that the organization, "as it was originally intended," was nothing more than a fraternal insurance order.

It is by such apologetics as this that the liberties of great nations have been lost and the insidious influences which overthrow the institutions of democracy have been nurtured. Mr. Ramspeck tells us that Hugo Black has "a fine mind," so did Torquemada, and the heretic-burners of Spain, as well as the witch-burners of New England. It is not denied that Aaron Burr had a fine mind. After a fashion so did the infamous Thad Stevens.

A fine mind, in terms of vigor and acuteness, is not the only thing necessary. Fine judgment and a spirit of tolerance are equally essential and these are utterly inconsistent with the known record of Hugo Black.

The charge has been made and never denied that Hugo Black first came into prominence by defending an itinerant fanatic who had shot and killed a Catholic priest. From then until now he has enjoyed Klan support.

We have no way of knowing how intimately familiar Mr. Ramspeck may be with the ritual and oath of the Ku Klux Klan, but on the basis of all available knowledge, much of it from sources quite as authoritative as Mr. Ramspeck, the central purpose of the Ku Klux Klan was, and is, to wage war upon Catholics,

Jews and Negroes. That it has waged such war, politically and with the deadliest weapons, may be blurred by factionalism and warped too well established to require any examination by the hope of patronage is impressively illustrated by the interview given out Friday by Representative Ramspeck, of the Fifth Congressional district, in which he comes to the defense of Klansman Hugo Black. Mr. Ramspeck says that all this criticism about the Ku Klux Klan is just "anti-administration politics." Even if Black were a member of the Klan, says the representative from the Atlanta district, "he hasn't taken any obligation that would interfere with his duty as an impartial justice."

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The ritual adopted at Philadelphia did not provide for the churlish petulance with which Mr. Roosevelt has constantly assailed the Supreme Court and the Constitution—a systematic assault which is now being extended, at heavy expense to the taxpayers, throughout that section of the United States from which come the brave spirits who bearded him and throttled his court-packing atrocity and his wage-and-hour control.

This should be enough to instruct us that the letter of the ritual may not be relied upon as a sure guide of those who solemnly subscribe to it. As it was in 1932, when Mr. Roosevelt pledged himself to reduce the public expenditure by 25 per cent, to dismantle the multiplied bureaus and agencies at Washington and to maintain a sound currency, all of which became scraps of paper, so today, in 1937, the chief executive has trampled under foot the democratic ritual of 1936 and has gone off in a berserker rage because the people will not recognize that he was given a mandate to do those things which he did not dare even mention in the entire course of the campaign.

Mr. Ramspeck rises to supreme heights of partisan nonsense when he declares that all this criticism of Hugo Black is "anti-administration politics." He there betrays his slavish acceptance of everything which bears the label of the administration. Indeed, he is "more royalist than the king"—or at least the grand vizier. Was it "anti-administration politics" which induced Senator Wagner, the most ardent supporter of the President, to declare that if he had known of Black's Klansmanship he would not have voted to confirm him? Was it anti-administration politics which brought complete in their subservience to the throne the declaration that they, too, would have opposed this nomination if they had known the facts?

Some slight degree of consistency is necessary, even on the part of the servile hero-worshiper, like Mr. Ramspeck.

And yet it is just such words of comfort as those uttered by the Congressman from the Fifth district which feed the inordinate ambition of Mr. Roosevelt, which throw him into an angry mood of resentment whenever he is crossed and inspire him to forecast a time when the rights of minorities, if he thinks they have been abused, shall be destroyed.

All the Ramspeck adulation of Hugo Black and hero-worship of Mr. Roosevelt cannot wipe out the deadly stain which the president of

the United States has placed upon the Supreme Court of this country.

Out of the Mountain a Squeak

Surely no impartial person who listened in Friday night, or later read, the much-heralded "defense" of Hugo Black against charges of Klansmanship could fail to realize that, in form and substance, it was an appalling flop.

After weeks of craven flight from one European capital to another to avoid a plain answer to a plain question, he engages all the radio facilities of the United States with the result that the mountain has labored and brought forth a squeak. **10-3-37**

The newly appointed associate justice of the supreme court, in his plea of confession and avoidance, has in fact convicted himself of every charge made against him and above all others that he is totally unfit for membership on the high tribunal to which he was appointed by Mr. Roosevelt in a moment of spite and spleen.

The feeble dronings of Mr. Black revealed that he had not signed even a fake resignation since he was made a life member, and in the same breath showed a Pharisaical attitude of "holier than thou" which must have revolted his most temperate listeners.

He undertook to deny a record which cannot reasonably be impeached and at the same time, denounced that spirit of bigotry and intolerance to which he had pledged himself with an oath he promised to "seal with my blood." He forecast a revival of that racial and religious intolerance which, by his own previous confessions, had placed him in the United States senate as a stepping stone to the high office he now brings into disgrace.

We put it mildly when we say that decent minds are not impressed with the spectacle of "Satan rebuking sin."

He declares that this exposure of his Klan membership will "resurrect practices and arguments from which this country suffered sorely in the nineteen-twenties."

Sorely, it did suffer, indeed, particularly in those nineteen-twenties which specifically culminated in August, 1926, when the Alabama Klan nominated Hugo Black for the senate in a primary where he received 84 thousand out of 207 thousand votes.

The crux of his speech was contained in the following statement:

The insinuations of racial and religious intolerance made concerning me are based on the fact that I joined the Ku Klux Klan about 15 years ago. I did join the Klan. I later resigned. I never rejoined. What appeared then, or what appears now, on the records of the organization, I do not know. . . . I never have considered, and I do not now consider, the unsolicited card given to me shortly after my nomination to the senate, as a membership of any kind in the Ku Klux Klan.

Out of his own mouth we condemn him. It was in September, 1923, that Hugo Black put his left hand over his heart, lifted his right hand to heaven and swore his allegiance to the Klan.

In anticipation of his candidacy for the United States senate, it was on July 9, 1925 that he scribbled three lines as a gesture of resignation for campaign purposes. This resignation was never accepted, was never recorded on the minutes and was not even known to the secretary of the Klan.

In August, 1926, he received the coveted nomination to the United States senate. Less than 30 days from that nomination he was present at the grand "klorero" held in Birmingham when he and Bibb Graves were singled out to receive a golden passport. In presenting them the Grand Dragon explained that he wanted them to think of themselves "the way your FELLOW KLANSMEN in the realm of Alabama think of you. . . . I want you to think of yourselves as having been put by them before the world, for all the world to gaze upon as exponents of Klancraft, exponents of those principles of pure Americanism which the Knights of the Ku Klux Klan stand for."

The Grand Dragon continued:

It is a grand passport, and, Hugo Black a grand passport which will admit you to the society of your FELLOW KLANSMEN wherever they are to be found. These, as you will notice. . . . bear no date of limitation. In other words, we, YOUR FELLOW KLANSMEN. . . . would have you both realize that they are good so long as you are good.

Hugo Black tried to convince the American people Friday night that if he was present at any such meeting, he had no recollection of anything that identified him as a member. He brazenly declared that, "Whatever happened then, or whatever appears now, on the records of the organization, I DO NOT KNOW."

Let us assist the failing memory of the distinguished Klansman who has been elevated to the supreme court of the United States!

The bigotry and intolerance so notoriously the essence of Klancraft were voiced by Bibb Graves when he said, "I shall, in all the walks of life, as best I can, be a living exemplar of a WHITE MAN'S PROTESTANT CHRISTIAN AMERICANISM."

Hugo Black not only listened to all the fervid oratory in denunciation of Catholics, Jews and Negroes, but said, "I realize that I was elected by men who believe in the principles that I have sought to advocate and which are the principles of this organization." Where Klansman Graves had boasted that he would be an "exemplar of a white man's Protestant Christian Americanism," Hugo Black expressed the desire "to impress you, as the representatives of the REAL ANGLO-SAXON

SENTIMENT that must and will control the destinies of the Stars and Stripes, that I want your counsel."

He asked the God of his fathers never to let it be necessary in this great republic of ours "for laws fashioned after the style of those which have become necessary in Mexico, where for 350 years the boys and girls have lived in blindness and darkness."

The war on Catholicism in Mexico at that time was so much a living issue that his reference was plain to all.

Mr. Black says that after he resigned he did not rejoin and did not consider the grand passport given him "as a membership of any kind in the Ku Klux Klan."

And yet when he accepted this grand passport he said, "THIS PASSPORT WHICH YOU HAVE GIVEN ME IS A SYMBOL TO ME OF THE PASSPORT WHICH YOU HAVE GIVEN ME BEFORE."

Is it not revolting to every sense of decency on the part of the American people that an appointee for the supreme court of the United States should take his place with such obvious mendacity on his lips as to deny his own words?

So he did not consider that he was still a member of the Klan when the grand "klorero" held him up as one of the two great exemplars of Klancraft!

And yet he said, "The ideals of this great fraternity to which WE BELONG are founded on the principles of that Man who taught us to love our enemies."

Before becoming a senator, says Hugo Black, "I dropped the Klan." And yet after becoming a senator, so far as ballots are concerned, he was extolling the ideals of "the great fraternity to which WE belong."

Such is the record taken officially by the Klan scribe and duly preserved in the archives.

Against this damning record which convicts Hugo Black of bigotry and intolerance he sets up the plea that he was once on terms of friendship with a member of the Jewish race!

When the landlady asked Oscar Wilde if he never ate vegetables, the exquisite Oscar replied, "Yes, Madame, I once ate a pea."

The strength of his entire defense may be judged by this ridiculous straw to which he clings.

We submit that so far from clearing himself Hugo Black has darkened the stigma which rests upon his name, and the supreme court of the United States is no place for a man so dead to all the decencies.

BLACK WARDS OFF CHALLENGE

Much Speculation Arises Over Why He Stepped Out Of Negro's Case

10-26-37

By United Press.

WASHINGTON, Oct. 26.—The question of why Justice Hugo L. Black disqualified himself from participation in the Supreme Court's consideration of the Scottsboro case caused much speculation today.

Whatever the reason it generally was conceded that by so doing he eliminated the possibility of a new challenge to his right to sit as an associate justice—a challenge based on "prejudice" charges.

"Mr. Justice Black took no part in the consideration and decision of this application," was the brief notation on the court's order list yesterday revealing that the former senator from Alabama had no part in the tribunal's denial of the plea for a third review of the case.

Prior to that announcement it had been suggested that attorneys for Heywood Patterson, who sought a review of the 75-year prison sentence imposed on him as a result of his conviction last year, might challenge Justice Black because of his former membership in the anti-Negro Ku Klux Klan.

In some quarters, it was suggested that Justice Black refused to take part in the case because he had represented Alabama in the United States Senate for 11 years, and therefore might be regarded as having a personal interest in the prosecution despite the fact he never was actively identified with the case.

Supreme Court Justice Exposed As Member Of "Race-Hating" Order

BIRMINGHAM, Ala., Sept. 14—"Hugo Lafayette Black, Associate Justice of the United States Supreme Court, is a member of the hooded brotherhood that for 10 long blood-drenched years ruled the Southland with lash and noose and torch, the Invisible Empire, Knights of the Ku Klux Klan.

FLASH!

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of the copyright owners. The facts were secured by Ray Sprigle, star reporter for The Post-Gazette, who went to Birmingham, Alabama to secure his information.

"He holds his membership in the masked and oath-bound legion as he holds his high office in the Nation's Supreme tribunal—**FOR LIFE!**"

"For Supreme Court Justice Hugo Lafayette Black bears the proud distinction that not a half dozen other men in the United States can claim. The cloaked and hooded Knights of the Klan have bestowed upon him the solid gold engraved Grand Passport that betokens life membership in the mysterious super-government that once ruled half a continent with terror and violence."

This is the charge of Ray Sprigle, star reporter for The Pittsburgh Post-Gazette, who ripped the veil of secrecy from the activities of a U. S. Supreme Court Justice.

Sits In "Court of Last Appeal"

For U. S. Supreme Court Justice Hugo Lafayette Black, according to Mr. Sprigle, is still a "member in good standing" of the Invisible Empire, Knights of the Ku Klux Klan,

and NEGROES, now can lay proud claim to its brand new solgan, "A Klansman sits on the Supreme Court of the United States."

Became Klan Member, September 11, 1923

According to The Post-Gazette article, Hugo L. Black, future United States Senator and United States Supreme Court Justice, joined the Robert E. Lee Klan, No. 1, on September 11, 1923.

Klansman Black resigned from the order on July 9, 1925.

His resignation, scrawled in longhand on a sheet of the stationery of the Grand Dragon of the Alabama Klan, was

Caught Out On A Limb!

Dr. Kelly Miller, dean emeritus of Howard University, and President D. Ormonde Walker, Wilberforce University, have been caught out on a limb . . . **OR HAVE THEY?** After the appointment of Klansman Hugo L. Black to the United States Supreme Court, they labored a specious public endorsement of the new appointee. When Black

joined the klan, a part of the oath in blood which he swore to read:

"I swear that I will most zealously and valiantly shield and preserve by any and all justifiable means and methods . . . white supremacy."

There is a saying about putting one's foot in one's mouth that seems applicable in this instance.

Here's The Oath Black Took

Here is the last of the oath of allegiance to the Klan which U. S. Supreme Court Justice Hugo L. Black took on an evening in September, 1923:

"I swear that I will most zealously and valiantly shield

and preserve by any and all justifiable means and methods . . . **WHITE SUPREMACY.** "All to which I have sworn to by this oath, I will seal with my blood, be thou my witness Almighty God. Amen."

his first move for the Democratic nomination for U. S. Senator from Alabama.

This was purely a bit of political strategy, Mr. Sprigle says, adding that the Klan and Klansman Black felt it would be better for their candidate to make the senatorial race unimpeded by Klan membership, but backed by the

power of the order. The resignation, however, filed for the duration of the campaign, was held secretly and never revealed to the membership.

On September 2, 1926, Senator-Nominee Hugo L. Black, was welcomed back into the Klan at a great State meeting and made a life member.

Rule By Lash, Noose and Torch

The Ku Klux Klan, with its "rule by lash, noose and torch," advocates "White Supremacy" and the subjugation of Jews, Catholics and Negroes.

During their "power years" they flaunted and throughout the Old South, an rough-shod throughout the Klan marched, with hoods over their heads and burning crosses in their hands.

Negro citizens without rhyme or reason. Tarring of victims, burning of Negroes and scores of lynchings were placed at their door. They rose to power on the "death-cries" of their victims and rode through the south, leaving a trail of blood and terror in their wake.

In Florida, in Alabama, in Georgia, all of those 5-4 decisions which

favoured Negro citizens under their remember the first page editorial guarantee of Constitutional rights? in our issue of August 21, 1937, in These and other questions are which we unalterably opposed the coursing through the minds of 12- selection of the then-Senator Black. 000,000 Negroes tonight, as the ex- That editorial pointed out that Justice Black rocks the nation!! Mr. Black was an enemy to Negroes, Jews and Catholics. The ex- Recall Hasty Senate Action Readers of this newspaper will

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In Florida, in Alabama, in Georgia and throughout the Old South, the Klan marched, with hoods over their heads and burning crosses in their hands.

Their power was a symbol of terror with the slogan of "White Supremacy" forever in the foreground.

What would have happened to the "Scottsboro boys," had a member of the Klan been on the U. S. Supreme Court bench?

What would have happened in all of those 5-4 decisions which

remember the first page editorial in our issue of August 21, 1937, in which we unalterably opposed the selection of the then-Senator Black.

That editorial pointed out that Mr. Black was an enemy to Negroes, Jews and Catholics. The expose will tend to bear us out.

Recall Hasty Senate Action
Readers of this newspaper will

KLANSMAN BLACK'S (TEMPORARY) RESIGNATION



July 9-1925

Major Hamilton, Klansman
Birmingham, Ala.
Dear Sir Klansman:

By & Tender your fourth
my resignation as a member of the
Knights of the Ku Klux Klan, effective
from this date on.

Young & S. A. B.
Hugo L. Black

Citizens all over the country also remember the unseemly haste with which the U. S. Senate confirmed Mr. Black's nomination to the Supreme Court. The "New Deal" Senators, blind following the lead of President Roosevelt, are alleged to have gagged the handful of protesting Senators who wanted time to look up Mr. Black's record as a Klansman . . . a record they could have very easily unearthed . . . and rushed him into a seat on the nation's highest tribunal. And the action of those Senators may cost them dearly. Negroes didn't forget those Senators who voted for confirmation of Judge Parker of North Carolina. Today, not a single one of those "Republican Stalwarts" is left in Washington to tell the story. And it is a foregone conclusion

Mr. Justice Black—Aftermath

HAVING admitted in his statement to the country that he joined the Ku Klux Klan 15 years ago, but later resigned, Mr. Justice Black cleared up all the speculation as to his former, or alleged present, connection with the hooded order. Having revealed himself as a former Klansman, the new Supreme Court associate justice proceeded to declare himself for all that the States constitution stands for on the question of the freedom of the individual and the protection of the individual in his human and property rights. His statement amounted to a complete renunciation of the Klan. It satisfied those who wished to believe that Mr. Black, because of his pronounced social concepts would measure up to the moral and legal requirements of a member of the Supreme Court, regardless of his past affiliation with one of the most hideous and most vicious vehicles of bigotry in the history of the nation.

For some years the letter photographed and reproduced above rested inconspicuously in the files of the Knights of the Ku Klux Klan, Grand Realm of Alabama. Hugo L. Black had been pledged Klan support in his campaign for the Senate, but the political strategists apparently felt it was discreet to permit him to say, if challenged, that he was not a member of the hooded order. Hence the above letter—although he was welcomed back at a state-wide meeting and presented with a gold life membership "passed" as soon as he had been safely nominated. The original of the letter reproduced above was written on the golden yellow official stationery of the Grand Dragon for Alabama. The dragon is embossed in black except for the arrows at tongue and tail which are in red. The lettering is also in red.

litigants as his critics believe.

After all, the appointment, if not undone in any way, will have served body a through ticket anywhere membership in the Ku Klux Klan is some good purposes. Its violent repercussions will in all probability sober Mr. Roosevelt. It will in all death knell of all Klansmen, or for record of a man under consideration probability prevent him from destroying Kansmen who aspire to or accept appointment to a position under the independence of the Court. It will almost surely cause the United States Senate to discard its clannish policy of "senatorial courtesy," which automatically gives a member of that

But his plea, as carefully considered as it was, did not satisfy a majority of the American people, if we concede that the most powerful organs of public opinion, and many of the nation's leading statesmen, reflect the feelings of a majority of the people. Powerful newspapers, of Democratic, Republican, and independent political leanings joined in reiterating that Mr. Black is unfit for the Supreme Court. As Mr. Black indicated clearly that he has no intention of resigning, and as there is no practical way of removing him, time alone can tell whether his appointment—apparently an unfortunate act—will prove as disastrous to the prestige of the court, and to prospective

10-9-37

Mayock

W.

KLANSMAN BLACK'S (TEMPORARY) RESIGNATION



July 9-1925

Major Hamilton, Knight
Cunningham, Ala.

Dear Sir Klansman:

Per to Tender your receipt
my resignation as a member of the
Knights of the Ku Klux Klan, effective
from this date on.

Yours L. S. U. B.
Hugo L. Black

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Citizens all over the country also that the Senators who "rushed a section with the hooded Klan." But his plea, as carefully considered, remembered the unseemly haste with which Klansman to the U. S. Supreme Court. Having revealed himself as a for-er as it was, did not satisfy a majority of the American people, if we Mr. Black's nomination to the Su-to their constituents when they nearer Klansman, the new Supreme majority of the American people, if we return home. Because these men Court associate justice proceeded to concede that the most powerful or-ly following the lead of President the wishes of those who send them obey declare himself for all that the United gans of public opinion, and many of Roosevelt, are altered to have to Washington. These men betray States constitution stands for on the the nation's leading statesmen, re-gagged late handful of protesting a trust . . . and the American question of the freedom of the indi-fleet the feelings of a majority of the Senators who wanted time to look voting public has LONG MEMO-vidual and the protection of the indi-people. *New York* up Mr. Black's record as a Klans-RIES on some things. Just what will be the outcome, individual in his human and property Powerful newspapers of Dem-ocrat, Republican, and independent man . . . a record they could have of the expose is not known, but it 10-9-37 His statement amounted to a com-political leanings joined in reiterat-very easily unearthed . . . and the expressed belief in many cir-rights. brought to bear to force Justice reiteration of the Klan. If that Mr. Black is unfit for the-And the action of those Senators Black's resignation. His statement amounted to a com-political leanings joined in reiterat-Ne Negroes didn't forget those Sen-ators who voted for confirmation of Judge Parker of North Carolina. Today, not a single one of those "Republican stalwarts" is left in Washington to tell the story. And it is a foregone conclusion

Mr. Justice Black—Aftermath

HAVING admitted in his state-measure up to the moral and legal practical way of removing him, time joined the Ku Klux Klan 15 years ago, preme Court, regardless of his pastment—apparently an unfortunate act but later resigned, Mr. Justice Black affiliation with one of the most hid-upon the part of President Roosevelt cleared up all the speculation as to eous and most vicious vehicles of big—will prove as disastrous to the pres-tige of the court, and to prospective his former, or alleged present, con-otry in the history of the nation.

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NEGRO VOTERS WARNED
TO DEMAND FAIR
WAGES & HOURS BILL

Washington, Sept. 24.- Negro voters in the northern and western states were warned today that a stiff fight must be made at once against any wages and hours bill which discriminates against Negro labor.

It is reported here that the wages and hours bill sponsored in the last session by Senator Hugo L. Black, which was fought tooth and nail by practically every other southerner, must be made "more palatable to the South" in order to get it through the next session of Congress.

Southern congressmen and senators raved against the wages and hours bill for many reasons, but principally because it proposes to give Negro laborers in the South shorter hours and higher wages and in some instances, make them equal to white workers.

If the bill is to be changed in the next Congress to make it more acceptable to the South, Negro citizens may be sure that one of the first things to be done will be to fix a special wage level for Negroes. An attempt will be made to create separate standards for Negro workers and have the federal government sanction this subsistence wage level. This will mean that for years to come, the standard of Negro wages will be fixed by government decree.

It will be recalled that during the period of the NRA, many geographical wage differentials were made in the courts, and while some of these were legitimate, geographically, most of them were discriminations against Negro workers, without using the word Negro. It will be remembered, also, that many southern employers were not satisfied even with these geographical differentials, but tried to get the government through the NRA to fix a definite standard of wages for Negroes below the differential standard for the South. For example, in one industry where the NRA had fixed a wage of \$12 a week, southern employers wanted it to fix a flat \$9.50 a week for Negroes, and \$6.50 a week for Negro women.

Negro citizens must begin work on the wages and hours bill at once, while their senators and congressmen are at home. The N.A.A.C.P. is urging members of its branches and all other organized groups to call personally upon their senators and congressmen in their home towns and to write them insisting that any attempts to fix a sub-standard of wages and hours for Negro workers be resisted to the utmost in the next Congress.

"Negro Americans must be on the alert", the N.A.A.C.P. statement said. "In plain language, this will mean not only geographic differential but primarily it will mean the fixing, with federal government sanction, of long hours and tragically low wages which now exist for Negroes. In other words, enactment of such a bill 'palatable to the south' will mean the fixing for many years to come of an economic status for the Negro below the subsistence level and, in fact, practically a peon's wage.

"Negro voters should make it their business without fail to talk personally with their Congressman and United States senators while these public officials are at home and before they return to Washington for the next session. Voters should present the facts to their congressmen and senators to let these officials know that Negro voters do not want and are expecting their representatives to oppose vigorously and wages and hours bill 'palatable to the South'. Any wages and hours bill passed should have ironclad provisions in it against discrimination on account of race and color. The national office of the N.A.A.C.P. is carefully studying this legislation and will from time to time, through its branches and press service, report on the developments of this legislation."

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The Black Robes of Justice, and the BLACK Robe of Justice



THE SUPREME COURT OF THE UNITED STATES

COURT OATH

I do solemnly swear that I will administer justice without respect to persons, and do **EQUAL RIGHT** to the poor and to the rich; and that I will faithfully discharge all the duties incumbent on me as Judge . . . to the best of my abilities. . . .

KLAN OATH

"I swear that I will most zealously and valiantly shield and preserve by any and all justifiable means and methods . . . **WHITE SUPREMACY**."

"to which I have sworn to by this oath, I will seal with my blood, be thou my witness Almighty God. Amen."

Reverend
9-25-37
L. L. Smith, Ind.

MR. JUSTICE BLACK AGAIN

Since new revelations have been made regarding Mr. Justice Hugo Black's relation to the Ku Klux Klan, we again protest that the former Alabama senator is unfit to be an Associate Justice to the Supreme Court of the United States. The mere fact that a man in private life is a member of the hooded order doesn't make so very much difference; but the man who seeks or holds a public office through his allegiance to the Invisible Imperial Empire, is, we say, a person entirely unfit for such an office. If Mr. Black took the oath of office as a Justice of the United States, which would place him in the position to pass on the rights of citizens, the destinies of the Negroes, Jews and Catholics,

there is little or nothing that can be done to keep Black from serving, as his appointment allows, for life. Press reports have it that the President is determined to disavow the appointment if the charges that Hugo Black is a member of the Ku Klux Klan, are substantiated. It seems to us that the charges have been substantiated, if documentary evidence has any meaning, and now therefore, it is up to President Roosevelt to demand Mr. Black's resignation. It is not necessary for the President to await the former senator's return to the United States to demand of him an answer as to whether he is a member of the Ku Klux Klan.

We, like millions of others, would like to know, very definitely, if Mr. Roosevelt knew that Mr. Black was a member of the hooded order. If the President admits that he did, then, he too, is a part of a conspiracy to fool the public. But if, on the other hand, he was deceived by words from the lips of Mr. Black, then we say that the President should so inform the public and disavow the appointment.

With Mr. Justice Black, Associate Judge of the United States Supreme Court, we wonder what would become of the Negroes, Catholics and Jews who perchance might have their cases come before him. The Catholics and Jews, through their influence and money might escape; but where will the Negro be found? We make this special reference here because undoubtedly, Mr. Justice Black is deluded with the "white supremacy" idea. The Klan idea of maintaining white supremacy is to do everything in its power to "keep the Negro down." As foolish as such an idea may be, it is not idle talk when we say, all Klansmen are sworn to uphold such an idea, even at the risk of their lives.

As the activities of the Klan in Alabama are uncovered, the stink from that organization rises to the high heavens, with Hugo Black and Bibb Graves furnishing the very life blood for the existence of that organization. Mr. Graves, who received the life membership in the Klan at the same time Hugo Black did, has admitted membership in the Klan. What will Mr. Justice Black do? Will he admit his membership, or hide behind his Klan oath, never to reveal his identity under circumstances which might embarrass him?

and was at the same time wedded in an unholy alliance with the Ku Klux Klan, we repeat, he undoubtedly is unfit for public office.

If Mr. Justice Black denied membership in the Klan to his colleagues, and failed to make known his relation to the Klan to the President of the United States, when the latter was considering making this appointment, he lands upon the bench of the Supreme Court as an impostor. He is pictured in the eyes of the public as a "Dr. Jekyll and Mr. Hyde." With such a character on the bench, surely the public will have little or no confidence in the decisions of the Supreme Court of the United States.

Of course, so far as we are able to see at this time,

Won't Play Fair

The Klan overleaped its mark and has suffered a disastrous fall. The national arena was too big for it. Associate Justice Hugo L. Black's appointment and confirmation has set every decent American against the Klan. Again all things work together for good.

Negroes, who have been the chief victims of the Klan's intolerance, were never able to rally enough friends to whip it. But when their cause and the Constitution became one through the seating of a Kluxer on the supreme bench, the country with one voice denounced bigotry.

There is a lesson in what happened which should be remembered—Klansman Black did not play fair with his friend, the President. The fact that he concealed his Klan affiliation behind a denial is proof that he knew it disqualified him. Yet he accepted the appointment. A real judge refuses to preside in a case where he knows there is even the possibility of suspicion that he is biased. Black, with bias his secret pledge, clung to his ambitions, even though he knew his appointment would embarrass his friend.

The legal ability of Judge Black has been doubted. At best it is unproven. But in the matter of his intentions, all is proven. It is a certainty that the principles which should be the guide for his thinking and the decency which should rule his conduct are not in him. He does not play fair.

No one need be surprised. Strong minds and high courage are not the characteristics of men who form selfish cliques to control their neighbors. The rule of the majority is best because it means general understanding of matters at issue. The Ku Klux Klan was the exact reverse—it depended upon secrecy. A generation ago some Negroes used to say that they owed their freedom to Jeff Davis, because his perverse refusal to keep his slaves and

stay in the Union led to the war and Emancipation. By that same logic, Hugo L. Black gets the palm because he is the cause of bigotry being shown up in all its deliberate refusal to play fair, even to the point of tricking a friend.

'MR. KLANSMAN' BLACK'

The monumental blunder of the Roosevelt administration is the naming of Hugo Lafayette Black, senator from Alabama, to the United States Supreme Court. It's an ugly scar on the escutcheon of his record as chief executive of this nation that will be hard for him to erase.

Mr. Justice Black, as he now stands disrobed, is a Klansman in both heart and spirit. When decent citizens were struggling against heavy odds to choke the life out of this hooded band of law breakers and hate breeders, he was the willing subject and recipient of its sincere courtesies and highest honors. He acquiesced in its principles through praise-worthy oratory, and ratified its programs by his presence on more than one occasion.

Mr. Justice Black, who is now about to throw off a white robe stained with murder and ravishment, for a black one christened with honor and dignity, becomes a humiliation to his sponsor; a double-cross to his senate colleagues, and an outcast to the eight learned and honest men with whom he is to associate in legal communion. He has been branded by the leopard and cannot change his "spots."

There is no legal method that can be invoked to unseat Mr. Justice Black for merely belonging to a secret order, but his hide-and-seek tactics with reporters, who seek an explanation from him for public consumption, is proof positive that he has something of an unsavory nature to shield, if not regret, and such conduct is evidence enough already to substantiate the previous claims of many that he possesses neither the type of character, nor the judicial temperament and dignity to serve on such an august body.

As a Supreme Court Justice, Mr. Black cannot serve two masters. He has pledged fealty to the Klan as torches burned, and likewise his loyalty to the Constitution of the United States in broad daylight. These oaths conflict in purport and intent.

President Roosevelt cannot afford to honor Klansmen; he cannot bestow upon them the greatest gift within his power, and he cannot afford to insult Catholics, Jews and fifteen million people of the Race by defending an avowed enemy of theirs through his own personal blunder and misjudgment. Mr. Justice Black signed an oath to deprive these groups of their rights as American citizens, and President Roosevelt sky-rocketed him to a position where he will sit in judgment on their pleas for justice. Such behavior is un-

becoming even for a president. Mr. Justice Black may be liberal enough to show his appreciation for his sponsor by doing him an equal honor, that is, tender his resignation to the White House as an associate justice of the Supreme Court bench. But we doubt it, and as matters now stand, we await Mr. Roosevelt's decision.

Interest Stirred Up

Some good will come out of the appointment of Hugo L. Black to the supreme court regardless of how the President's act is viewed, because it has intensified interest in the supreme court, a very desirable situation in a nation where the majority is the supreme power.

President Roosevelt's proposal to change the makeup of the court had set people to thinking. But it took the human factor to get them deeply interested. Had this Alabama lawyer not been appointed to the judiciary, one branch out of the three into which our government is divided, the public would have continued to take for granted that the supreme court suited them without ever consciously considering what they wanted it to do.

All that is changed. What the supreme court is, both in principles and personnel is on everybody's tongue. When in 1940 the court is made an issue, the voters will have definite opinions, a much healthier state of things in a popular government than the indifference which has prevailed hitherto.

The truth is the American people have acted as though there was an absolute justice of which the supreme court is the spokesman. Even when they disagreed with its judgments, they have treated it reverentially. The appointment of Hugo L. Black has made very clear that, after all, the court's decision is the work of men, sometimes very fallible men. It follows that the average man will be looking about for a way in which he can insure himself against mistakes in its judgment. He will not dare repeat the test he uses on administrative and legislative officials, poli-

ticians who tell entertaining stories and kiss babies.

If out of this trying hour in American history there comes a more sincere effort on the part of voters to know their own desires and express them at the polls, Hugo L. Black will have been the occasion of his country's regeneration.

WHAT IS THE ANSWER?

The blazing cross of the Ku Klux Klan burns again with the intensity of its traditional racial hatred. This time, its symbolic rituals are conjured on behalf of one of its members—Justice Hugo L. Black. It is important that the Supreme Court be kept free of prejudice. But racial prejudice is not an issue confined to courts of law. The men who cannot get jobs because they are members of the Race, the men who must work for lower wages on account of their identity with the Race—these are the men who feel and know the full meaning of racial hatred. And, because the problem is so acutely important in the everyday economics of these masses of people, organized labor must face the question squarely.

What does Labor say about the Klan issue and the Supreme Court? Under the presidency of William F. Green, the American Federation of Labor has not campaigned for justice to the Race. During that brief period when the U. S. Senate was considering the Black appointment, Green wired his support to the judiciary committee. Under the leadership of John L. Lewis, the C. I. O. has appealed to Race laborers for support. The mass organization of industry undertaken by the Committee for Industrial Organization must have Race support or it will fail. Yet John L. Lewis has not denounced the appointment of Black; in fact, he supported it with some vigor and baste as William Green has done.

The problem is clear. As senator, Hugo Black sponsored the wage-hour legislation in Congress. The C. I. O. may look to him for friendly decisions. But if the Ku Klux Klan charges are proved, if a man on the bench is hostile to the Race, organized labor must either disown him or disown the Race.

Therefore, under the glare of the flaming crosses of the Ku Klux Klan, the Race may see who are its true friends. For every Lincoln seeking justice for us, there are a hundred petty politicians and opportunists seeking only

our votes by waving the banner of social equality. Race members have paid dues, sacrificed wages, and endangered the few jobs that they do have, out of loyalty to the C. I. O. They have believed that the C. I. O. leadership is sincere in its program of racial impartiality. If that leadership believes in its own policies, it will fight on every front for the Race members, not just because they are Race members, but because they are laborers who have been exploited and denied their just share of economic opportunity.

Silence may be good politics. Silence may win petty favors and temporary victories at law. It must not be forgotten that such silence will permit racial hatred to gain new strongholds, and will prevent a fundamental, enduring solution to labor's own problems. Is Mr. Lewis a Ku Klux outside of the Klan, or is he doing their bidding at the behest of Mr. Roosevelt? Are our interests being betrayed? The C. I. O. must speak!

If this historic faux pas of John L. Lewis in supporting the Black appointment is to be taken as an index to his political motives and leadership, the future of the C. I. O. under such a careless leadership is mixed with dark forebodings for the members of the Race.

THE KLAN ISSUE AGAIN

LIKE JOHN BARLEYCORN, the Ku Klux Klan has been killed more times in the past fifty years than can easily be remembered. But periodically, the klan rears its ugly head from the grave to plague the Democratic party.

Originally organized to intimidate the recently freed Negroes of the South and keep them in a state of subjugation almost equivalent to slavery, the leaders of this organization spread such a doctrine of racial and religious hate that it poisoned the whole political system of Dixie. The Klan was resurrected after the world war because the southerners felt that returning Negro soldiers might not meekly submit to the injustice practiced against their group. It quickly spread and became a force in politics, especially in the 1924 presidential convention of the Democratic party.

It was at this convention, which was held in the old Madison Square Garden in New York City, that the klan forces made a determined effort to secure the nomination of William G. McAdoo as the Democratic nominee for the presidency. The anti-klan candidate was Alfred E. Smith, then Governor of New York. After a long deadlock John W. Davis, former Ambassador to England, was nominated as a compromise candidate. A feature of this convention was a denunciation of the klan and its method by the then senior Senator from Alabama, Oscar W. Underwood, who was also a candidate for the presidential nomination.

Senator Underwood died shortly afterwards and his successor was Hugo Black, who was recently nominated an associate justice of the United States Supreme Court. Unlike Senator Underwood, Mr. Black did not spurn the klan support but according to evidence recently adduced, welcomed it and went so far as to join the nefarious order and accept its principles. These facts seemed to have been overlooked in the depression and the rise of the New Deal. But Senator Black, in his zeal to serve the President went so far as to incur the wrath of William Randolph Hearst, one of the powerful enemies of Mr. Roosevelt.

The Senator seized and made public several private telegrams which the publisher sent one of his editors. Hearst at once sent some of his agents to Alabama and began an investigation into the private life of Mr. Black. The recent disclosures by Paul Block's Pittsburgh Post-Gazette was a result of these investigations. Now the klan has become another burning political issue and is proving the biggest embarrassment the President has had.

The issue of the klan and klan support was even brought up in last week's Primary fight in New York and is still raging. At the present time it looks like this will along with the President's plan to enlarge the Supreme Court may prove the issue that will wreck the program of the New Deal. There can be no question but that Mr. Roosevelt made a bad blunder in selecting Senator Black and unless he forces his resignation and disavows the klan tie, he will lose much of the independent and liberal support he has received in the past.

"The mills of justice grind slowly but they grind exceedingly fine."

Who Are The Critics?

Without attempting to disregard the fact that when former Senator Hugo L. Black withheld certain material facts regarding his previous Klan membership, the same constituted a fraud, we feel that American Negroes should utilize some of their time scrutinizing the horizon to determine who it is looking critically upon the intolerance of Mr. Black, and about which they prate.

Two of the main critics of Mr. Black are Frank R. Kent and Dorothy Thompson, feature writers for a number of daily papers. Miss Thompson thinks that the Senate should utilize some method to boot Justice Black out of office, and Editor Kent, of the Baltimore Sun, feels that Mr. Black's friends were cheated into confirming him.

The thing to do right here is to fully identify these critics as to their social outlook and views regarding the rights of racial and class minorities. It could be that the critics of Mr. Black are just as bigoted, narrow and prejudiced on

some subjects as Mr. Black is alleged to be.

It will be recalled that Editor Kent almost lost his mental poise when Secretary Ickes delivered an address to the N. A. A. C. P. in Editor Kent's home town in 1936. Secretary Ickes expressed the view that the government ought to adopt a laissez faire attitude towards racial groups, and because of this philosophy Secretary Ickes was verbally thumped and beaten by Editor Kent for many months.

Now what is this attitude of Editor Kent but the worst type and expression of intolerance? Could a klansman conceal under his bed sheet any more prejudice? It is because in the South, government will not adopt a non-interference attitude in the social life of the people that we today have segregation laws, anti-marriage statutes and police regulations that make life miserable for all liberal minded persons.

It was none other than Dorothy Thompson who during the last political campaign wrote several race baiting articles calculated to stir up strife in the South regarding the Negro vote. It is a great big problem in this world, when one starts out to determine whose hands are clean.

Let us say that Mr. Justice Black joined the Klan and still holds membership there; but even so, we think it is very inconsistent for the pot to call the kettle black. Intolerance and bigotry is a vile and repulsive thing regardless of where one finds it.

D. C. Negroes Doubt Leopard Changing His Spots After Hearing Black on Radio

Associate Justice Fails to Convince Colored People of His Sincerity in Broadcast

ONCE A KLANSMAN ALWAYS ONE, THEY SAY

Hooded Order Was Not Denounced; Race is Not Satisfied With Talk

By GARLAND MACKAY

Washington's Negro population took Associate Justice Hugo L. Black's address with their tongues in their cheeks Friday night after listening to his radio explanation of his former membership in the hooded ranks of the Ku Klux Klan.

While many were of the opinion that the address rhetorically was all right, practically all agreed that a leopard will hardly change his spots and Justice Black is the same Lawyer Black who once was a member of an order that spread terror among Negroes and swore to an oath that upheld white supremacy.

Despite Black's speech in which he said he counted among his friends some Negroes, Washington Negroes when interviewed doubted his sincerity and expressed themselves in no uncertain words. Here are the opinions of men and women selected at random by this reporter:

Jesse Mitchell, president Industrial Bank of Washington: "I don't think much of it (the speech). He didn't face the issue. If the American people are satisfied with that speech they are pretty easily satisfied."

Church Young, business man: "It (the speech) was pretty fair."

Dr. Robert W. Brooks, pastor Lincoln Temple Congregational church: "He made a forthright and frank statement, but it leaves question as to whether he still has the narrow bigoted ideas of the Klan. He did not denounce the

Klan and being just 11 years removed from it leaves a question whether he has overcome the Klan's ideas to the extent that he is fitted for the Supreme Court.

Not Convincing

Dr. Emmett J. Scott, secretary of Howard University: "I do not regard it as a very convincing statement."

Perry Howard, Republican national committee member from Mississippi: "The statement convicts Judge Black not only of being a Klansman but a life member of the Klan. He said that he lost his Klan but did not say he declined to accept it. His appointment, therefore, was the worst mistake ever made by the President—the naming of a man who has taken an oath favoring Nordic supremacy at any price to other elements of the population."

Miss Nannie H. Burroughs, president of National Training School for Women and Girls: "His speech did not answer my questions. He stated what everybody knew. He did not make the disposition as a person would make in repudiating the Klan. He was begging the question in deciding its the end."

Dr. Benjamin H. Hunton, druggist, Ninth and U Streets: "It (the speech) was nothing. He merely said 'I joined the Klan—so what?'"

Mrs. Gertrude Johnson, owner of gift shop, 918 U Street: "I thought what he said was rather good. He evidently had an understanding with the Klan."

W. W. Murray, florist, 900 block of U Street: "It was all right until I learned that he voted against the anti-lynching bill. That mud-died the waters."

Dr. William A. Cameron, chiropractist, 1534 U Street: "I believe once a Klansman, always a Klansman. There are some rackets where there is no such thing as quitting. The chief just went let you."

John R. Pinkett, real estate dealer: "Black was two months late in making his statement. I doubt if he can get away from the ideals and principles of the Klan." Colonel West A. Hamilton, member board of education: "I

don't think much of what he said," called the radio answer to Klan Archibald S. Pinkett, former secretary of the D. C. branch of the NAACP: "I doubt if the man while still another called it 'sincerity,' a blessing of the unresigned kleagle (Justice Black) can divorce him from the principles of the orplete and obscure." Many of those commenting took the attitude that his pronouncement on racial and religious issues was acceptable as given, but indicated "we shall await" the fulfillment of his pledges along those lines.

Opinion Is Divided On His Reply

Viewed Various As Commendable and As Super Flop

OPINIONS GIVEN (TEXT OF JUSTICE BLACK'S ADDRESS ON PAGE 10)

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In the address Mr. Justice Black said he had joined the Ku Klux Klan "about 15 years ago, later resigned, and never rejoined."

He stressed in his speech his repudiation of all that the Klan stood for, voiced his friendship for Negroes, Jews, and Catholics, and declared that he believed in religious tolerance and the granting of all rights to all citizens given them under the Constitution and laws of the nation.

VARIOUS REACTIONS

Those commenting often took opposite viewpoints. One man

the fact of his resignation and he studiously failed to say. A resign- ed Klansman upon the bench with a blessing of the unresigned kleagle presents a sorry spectacle of justice in this nation. As a staunch supporter of Roosevelt and his policies I recognized in the appointment a colossal blunder.

E. WASHINGTON RHODES, Philadelphia, editor Philadelphia Tribune: Beautiful words but unconvincing for the reason that he neglected to say why he joined the Klan in the first instance and why he resigned.

THE REV. O. S. BULLOCK, Raleigh, N. C., president of the North Carolina Baptist Association: I appreciate the fact that Mr. Black is counted a liberal and I am of the opinion that men who seek public office should be careful of their actions so that acts committed in their younger days may not serve as a handicap in the future.

THE REV. JOSEPH T. BELL, Richmond, Va.: It is to be regretted that Justice Hugo L. Black, ever a member of the Ku Klux Klan but under the circumstances it is unfair to condemn him wholesale, for back in the 1920's about all of the young politicians of the Deep South thought it a step up to be a Klansman. I think he is a better man for the experience. He withdrew. My only criticism is that his admission came rather late.

DR. F. D. PATTERSON, president, Tuskegee Institute: "No comment to make on Justice Black's speech. His future actions, if retained on the Supreme Court bench, will be the only significant indication of his fitness."

ROBERT L. VANN, editor of the Pittsburgh Courier: Justice Black has pleaded guilty by his own admissions. His claim to liberalism comes after his appointment is beyond recall. The question still unanswered is: Did he deceive the President to get the appointment? This is very important. The President should speak out on this point.

THE REV. W. L. RANSOME, Richmond, Va.: The speech was a commendable effort but incomplete and obscure. We still do not know his attitude toward the political rights of Negroes, Jews, and Catholics. Does the Ku Klux Klan admit that these have such rights?

C. A. FRANKLIN, editor Kansas City (Mo.) Call: The sonorous phrases in which Justice Black implies that he is in accord with the Constitution's Bill-of-Rights are belied by his shameful confession "I did join the Klan." Black sold his most convincing proof that he has soul to the devil of intolerance in no place on the Supreme bench of the United States. As a means of re-in-

stating himself in the confidence of the nation his address was a super the price of that bargain. The Klan flop. He had a chance to denounce the Klan and its activity and he failed to use it. Why he resigned from the Klan is more important than

THE REV. A. L. JAMES, Roanoke, Va.: Mr. Justice Black's radio speech was clear and forceful. As a justice of the Supreme Court of the United States formerly connected with the Ku Klux Klan, he is capable of making a very feeble contribution towards the building of a nation such as our nation set out to build. Among others asked to comment were C. C. Spaulding, president of the North Carolina Mutual Life

D. C. Negroes Doubt Leopard Changing His Spots After Hearing Black on Radio

Associate Justice Fails to Convince Colored People of His Sincerity in Broadcast

ONCE A KLANSMAN ALWAYS ONE, THEY SAY Hooded Order Was Not Denounced; Race is Not Satisfied With Talk

By GARLAND MACKEY
Washington's Negro population looks Associate Justice Hugo L. Black's address with their tongues in their cheeks Friday night after listening to his radio explanation of his former membership in the hooded ranks of the Ku Klux Klan. While many were of the opinion that the address rhetorically was all right, practically all agreed that a leopard will hardly change its spots and Justice Black is the same Lawyer Black who once was its end.

Dr. Benjamin H. Hutton, drug member of an order that spread error among Negroes and swore to an oath that upheld white supremacy. Despite Black's speech in which he said he counted among his friends some Negroes, Washington Negroes when interviewed thought he was rather doubtful his sincerity and expressed good standing with the Klan. There are the opinions of men and women selected at random by this reporter.

Jesse Mitchell, president Indus-trial Bank of Washington: "I don't think much of it (the speech). He didn't face the issue. If the American people are satisfied with that speech they are pretty easily satisfied." Church Young, business man: "It (the speech) was pretty fair." Dr. Robert W. Brooks, pastor Temple Congregational church: "He made a forthright statement, but it leaves doubt as to whether he still holds the question as to whether he still holds the narrow bigoted ideas of the Klan. He did not denounce the member

don't think much of what he said," called the radio answer to Klan the fact of his resignation and he Archibald S. Pinkett, former se-affiliation charges a "super flop," studiously failed to say. A resignation of the D. C. branch of the NAACP: "I doubt if the man while still another called it a blessing of the unresigned league (Justice Black) can divorce him commendable effort, but income in this nation. As a staunch supporter of Roosevelt and his policies was once a member. Remember, he is from Alabama."

Opinion Is Divided On His Reply Viewed Vigorously As Commendable and As Super Flop

OPINIONS GIVEN
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In the address Mr. Justice Black said he had joined the Ku Klux Klan "about 15 years ago, later resigned, and never rejoined." He stressed in his speech his repudiation of all that the Klan stood for, voiced his friendship for Negroes, Jews, and Catholics, and declared that he believed in religious tolerance and the granting of all rights to all citizens given them under the Constitution and laws of the nation.

Those most critical of his speech referred to it as "beautiful but unconvincing" and even suggested that his resignation from the court would be the best solution. There was general criticism of his delay in answering the charges and of his failure to inform the President of his one-time membership before being appointed, or before the Senate confirmed him—by which time the Klan issue had been raised.

RESIGNATION SUGGESTED
The text of the various comments follows:
DR. ROBERT R. MOTON, of Cap-shoe, Va., president-emeritus of Tuskegee Institute: In reference to Mr. Hugo Black's speech I would say that he made the most of an unfortunate situation. I am sorry, however, that he was not frank when the Klan situation arose on the Senate floor. His resignation would clear the atmosphere.

WALTER WHITE, New York City, secretary of the National Association for the Advancement of Colored People: We shall await with interest the fulfillment of Master Justice after his appointment to the Negro citizens under the Constitution and laws of the United States, get the appointment? This is very important. The President should when the Scottsboro case, the anti-lynching bill, and a disfranchisement case come before the court.

DR. GORDON B. HANCOCK, professor of sociology, Virginia Union University: The apologetic nature of Mr. Justice Black's speech is did not convince me that he has soul to the devil of intolerance in United States. As a means of re-in-Now an associate justice of the United States, in the confidence of States Supreme Court, he must pay the nation his address was a super the price of that bargain. The Klan flop. He had a chance to denounce the Klan and its activity and he failed to use it. Why he resigned from to see how a man who once denounced the Klan is more important than Negroes for being born black.

THE REV. O. S. BULLOCK, Raleigh, N. C., president of the North Carolina Baptist Association: I appreciate the fact that Mr. Black is a member of the Ku Klux Klan but under the circumstances it is unfair to condemn him wholesale, for back in the 1880s about all of the young politicians of the Deep South thought it a step up to be a Klansman. I think he is a better man for the experience. He withdrew from the experience. He withdrew from the experience. He withdrew from the experience.

THE REV. A. L. JAMES, Roanoke, Va.: Mr. Justice Black's radio speech is Black is conscientious and will was clear and forceful. As a justice make a good judge. His critics have of the Supreme Court of the United States formerly connected with the Ku Klux Klan, he is capable of making only a very feeble contribution towards the building of a nation such as our fathers set out to build.

DR. G. H. FRANCIS, Norfolk physician, former president of National Medical Ass'n.: "The National Medical Association stamped its disapproval on Justice Black at its August convention. I am still willing as one of its members, to stand by that resolution."

ROBERT S. ABBOTT, editor, Chicago Defender: After his own admission of guilt nothing that Black can

Insurance Company of Durham; Principal Alvin Russell of St. Paul School, Lawrenceville, Va.; President J. E. Shepard of N. C. College, Durham; President J. M. Gandy, Virginia State College, Petersburg; L. F. Palmer, principal, Huntington High School, Newport News, Va.; W. L. Houston, president, National Bar Association, Washington, D. C.; Fred R. Moore, editor, New York Age; Carl Murphy, editor, Afro-American; Robert S. Abbott, editor, Chicago Defender; and W. A. Jordan, Sr., asst. secy-manager, Southern Aid Society of Virginia, Richmond.

Answers came from the offices of Messrs. Spaulding, Russell, and Gandy, to the effect they were out of the city at the time the comment request was received. At press time comments from the others had not been received.

BLACK TAKES SEAT ON HIGH COURT; JEW IS CLERK

WASHINGTON, D. C.—A few minutes after Associate Justice Hugo L. Black had taken his seat on the highest tribunal in the land on Monday morning, two separate and distinct motions to unseat him were made by Albert Levitt, former Federal judge for the Virgin Islands, and Patrick Henry Kelly, Boston attorney who made a futile attempt to address the court and was told to submit his motion in writing to the court clerk.

Outside the judicial chambers, small groups gathered and exchanged words and comments on the situation. Both petitioners claimed violations constitutional and reassured the press that they would not relent in their efforts to have the Alabama Justice removed from the Supreme bench.

Meanwhile, his fellow justices, including the chief justice, had made overtures to their colleague through social invitations extended by their wives to the new Justice and Mrs. Black. The Justice Blacks accepted an invitation for tea in the home of the Justice Stoneses.

Justice Black recently named Jerome A. Cooper, a Jew, as his law clerk. The Justice's staff now includes a Catholic secretary, a Catholic Negro messenger, and a Jewish law clerk.

TUSKEGEE, Ala.—Congressman Arthur W. Mitchell, now on a successful goodwill tour, reiterated here Wednesday in a special interview with a Journal and Guide representative his firm belief in the qualifications

of Hugo L. Black as a justice of the Supreme Court.

"I know where the Klan accusations started and why, as do all those who are well informed in Washington. A motive of revenge is behind them. I sincerely don't believe there is any basis of fear regarding Justice Black on the part of our group."

None of It Stuck to Me



Klan Spirit Survives

THERE are those who had the nation-wide resentment over the elevation of former Senator Black to the Supreme Court as a death blow to the Klan. We wish that we could feel that way about it, but we are not so optimistic. The Klan may not be as bold as it was a few years ago; it may not be as articulate; it may not come out of the trenches as often or choose visible rather than subterranean channels of communication; but the Klan is still a powerful, destructive, effective factor in the political, social and economic life of America. It is a spiritual blight upon the aspirations of the underprivileged. It is an effective stop-check upon the progress of certain groups.

That would not be true if there had been brought to bear against the Klan the tremendous force of an outraged public opinion such as has been exerted against the appointment of Hugo Black to the United States Supreme Court. There have been isolated warnings issued by a comparatively few influential newspapers, who have stood almost alone in a battle against the half-concealed power of the "Invisible Empire"; there have been intermittent prosecutions of particularly atrocious Klan offenses; three or more Western States legislated against masked organizations, but it was not until a man smeared by former allegiance to the code and creed of the Klan had reached the Supreme Court did the moral indignation of the nation assert itself in unmistakable tones.

And why? As long as the Klan held the power of life and death over the hapless small fry politicians, the suspicious labor organizer, the struggling Negro business man or educator, the Negro citizen held destitute of his rightful share of public benefits, the Jewish merchant, banker or real estate operator, or the Catholic

churchman aspiring to public office or other position of power, the Klan enjoyed a marvellous degree of immunity from interference at the hands of the moral forces of America, including a majority of the press, nearly the whole protestant pulpit, the public forum, and the university halls.

But when—ironically enough—a "liberal" child of the world's most bigoted organization landed by political accident upon the highest court in the land, where it is to be his duty and privilege to pass upon the rights and liberties of the high and mighty moral forces of America, the Klan suddenly becomes a terrible menace to many—a great many—powerful factors in our political, social and economic life, that heretofore could not find their voice. If we can find no other satisfaction in the appointment of Mr. Justice Black, we are thankful that it brought home to an apparently apathetic public conscience the truth that no American is safe in his constitutional rights and liberties until all Americans are safe.

CAN 'BLIND MEN' LEAD?

It is a sad commentary on Race leadership that men like Congressman Arthur Mitchell, lone representative of the black man at the nation's capital; Dr. Frederick Patterson, head of our largest industrial school; Dr. Ormande Walker, president of Wilberforce university, and Dr. Kelly Miller, former dean of Howard university, will give their endorsement to a confessed Klansman so he may sit in supreme judgment to determine the rights and liberties of a minority group. This charge seems incredible; it is almost traitorous when viewed from racial angles.

Is there on record an assertion of approval of Black's appointment from a Jewish or Catholic congressman; president, dean or instructor in a Catholic or Jewish institution or university?

It has been prophetically said that the so-called "leading Negro" who is bowed under the weight of college degrees—is the main drawback to the advancement of his Race along many lines; especially when he faces the Caucasian enemy in action and not in theory.

Of course, we do not agree with this blanket indictment against "Race leaders," but there is some element of truth in the accusation that

JUSTICE BLACK AND THE KLAN

Real Issue Is That He Is A Liberal Correspondent Feels

When they are put to the crucial test on matters affecting the best interests of their people, they more often befuddle the job, exhibit some inferior thinking, and oftentimes humiliate the Race at large. We have proof of this in the present Black-Klan controversy.

It was common news in Washington, where Congressman Mitchell is stationed and Dr. Miller resides; in Alabama, where Dr. Patterson stays, that Hugo L. Black was a dyed-in-the-wool Klansman; that his political fortunes were attributed to his membership therein. The report was so general that we believe President Roosevelt also knew it.

Black's record as a lawyer in Birmingham is honey-combed with malicious attacks on our people. His greatest murder case, one in which a Catholic priest was slain by a white man, was won by Black asserting before the jury that his client thought the priest had wedded his daughter to "a big, burly, black nigger," and he dwelt thereafter in his plea on the theme of a man driven to crime because of the fear of miscegenation, which was later admitted to be an invention of his own.

As judge, he referred to Race people in his court at times as "eight balls," — men and women alike—and made it a fun-shop at their expense.

His oath to the Klan was genuine as to our people's status in American life. He was a member of the same Klan that paraded under hoods at midnight before the government hospital at Tuskegee in protest to having it manned and managed by professional men of the Race during Dr. Moton's time.

This is the same Mr. Black that Congressman Mitchell wrote to personally and said: "I rejoice in your appointment." This is the same Mr. Black that Tuskegee's present head, Howard's Dr. Miller, and Wilberforce's Dr. Walker—all of the intelligentsia and highly degreed—place their stamp of approval on to sit in judgment on the Scottsboro appeal, and other cases affecting our rights under the Constitution that may be taken before the Supreme court; even one in which the congressman himself is involved.

From Mr. Black's record, both public and private, we can feel confident that we have one permanent vote against us on the Supreme court when the two races differ on social measures that require the highest legal opinions. Every man has a right to his opinion, but when that opinion is regarded as expressing the sentiment and views of an entire race, by virtue of that man's standing in that particular race, he should handle this privilege with care and sanctity. Hasty conclusions sometimes produce grief, especially when they are indulged in by public officials and educators.

However, we are willing to believe that in the cases of Drs. Patterson, Walker and Miller this error was committed, but in the case of Congressman Mitchell our charity in this regard is withheld. We have his record on file. As a public official, he will have some explaining to do to Chicago voters at the next election on his "rejoicing" attitude over the appointment of Mr. Associate Klansman Black.

Editor, Journal and Guide:

Since the appointment of Senator Hugo Black of Alabama to justice of the Supreme Court there has been much gnashing of teeth and pulling of hair by various elements of the population, including many Negroes.

The new justice's attackers, in the main, Liberty League, Big industrialists, capitalists, political exploiters and Capitalistic newspapers have searched heaven and earth in an effort to find something with which to discredit Black but the only thing they have been able to dig up is his alleged former membership in the Ku Klux Klan.

The reason for these vicious and malicious attacks upon the new justice is plainly evident. If President Roosevelt had appointed a man of the type of Carter Glass, although he may have been a member of the Ku Klux Klan, no effort would have been made, especially by his Southern neighbors, to defeat his appointment, because the Carter Glass type is traditionally southern in its viewpoint — there never has been any question about its stand on the issue of white supremacy, it is unalterably opposed to social security or social legislation of any kind, and because it has no creed other than the support of property against human rights, this is the type of man the haters of Mr. Roosevelt and the New Deal wanted.

But Mr. Roosevelt has broken tradition and committed the seditious crime of attempting to give a new and more Christ-like interpretation to the Constitution through the appointment to that tribunal of a liberal of his own type—a man with human sympathies, whose record shows that he would put an end to the merciless exploitation of the weak and defenseless by the strong and ruthless pillagers of humanity.

Anybody who has read the record knows that Senator Black championed every piece of social legislation that has come up in the Senate under the Roosevelt administration aimed to help the great masses of the American people, irrespective of race, creed or color. He did this in the face of the bitterest opposition and ostracism

from his southern colleagues, and, on this basis I believe he should be judged.

I make no appeal for the Ku Klux Klan, but, regardless of its record, I am not inclined to think that every individual, who may have at one time or another joined its ranks for business or political reasons, perhaps, is a scoundrel. I am doubtful that any man could be elected to the U. S. Senate from Alabama who failed to, in some manner, identify himself with the Klan.

But the real issue against Black is not that he is a Klansman, but a liberal, who would help raise the living standard of millions of impoverished Americans through the abolition of sweat shop conditions and starvation wages. The South fears Black because he fostered legislation that would eventually place the Negro worker on a par with the white worker, and would lift both the poor whites and Negroes of the South from the utmost depths of economic slavery. More power to Black.

—ANTHONY REMUS
Norfolk, Va.

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Justice
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KLAN CHARGES ASSAIL BLACK IN DOCUMENTS

After American

Roosevelt Urged to
Ask Resignation of
Justice. 9-18-37

Baltimore
IMPEACHMENT IS
HINTED BY SOLON

ranscript Purports
to Record Rite.

WASHINGTON

Associate Justice Hugo L. Black of the Supreme Court went under fire again this week as charges of his membership in the Ku Klux Klan were revived with documentary evidence purporting to prove the accusations.

Voiced in New York by Senator Royal S. Copeland in his campaign for the Tammany nomination for mayor, the charges were revived by leading publications throughout the country. Democratic and Republican Senators demanded an investigation of the record of their former colleague in the upper chamber.

Copeland Urges Curb

Senator Copeland issued a statement on Monday calling on the Supreme Court and the Senate to find some way to prevent the new appointee from sitting as a member of the court.

When Black was first nominated, Copeland led the fight against him, charging Black's Klan membership and Klan prejudices against large groups

of American citizens made him unfit for the nation's highest tribunal.

The first article appeared in the daily press with the copy of a document purport-

ing to show Black became a member of the Klan in 1923 and there is a letter of resignation in the new justice's handwriting dated in 1925. However, it is declared this was a subterfuge without official meaning and was placed in Klan files to be shown if ever the Klan issue came up against him.

This was when he first ran for the Senate. Since the issue was not raised, it is charged that in Birmingham on September 2, 1926, Black was made a life member of the hooded order and was presented with a golden card denoting this.

Transcript Cited

An alleged official stenographic transcript of the meeting at which the Alabaman was made a life member of the Klan declares that Black entered the upper level of the Klan elite with Gov. Bibb Graves of Alabama, then nominee for governor of the State. Black himself had been nominated for Senator, which is tantamount to election in many Southern States.

Black is reported to have accepted the tribute by stating that without Klan support he would not have become junior Senator. He is quoted as asserting that he was elected by men who believe in principles which he advocated.

Previously, according to the minutes, Graves had declared that he would "in all walks of life... be a living exemplar of a white man's Protestant Christian Americanism."

Calls upon President

The Kansas City Journal-Post declared that President Roosevelt should state his position in the controversy, and held that while Black will interpret the commerce clause to the chief executive, liking, he may be tempted to lease racial and religious bigotry. Senator David I. Walsh (Dem., Mass.) said that Justice Black

went to himself and the President to state whether he is a Klan member and to repudiate the organization and its principles. Representative Harold Knutson (Rep., Minn.) hinted at possible impeachment and proposed an investigation by Congress.

Black Remains Silent

Black, in London with his wife, refused to comment.

Governor Graves admitted that he once was a Klan member but denied recalling the rites at which he and Black allegedly were given life membership badges.

Hiram W. Evans, imperial wizard of the Klan, refused to say whether Black had been a member. He declared that Dr. Cope-land got Klan support in 1926 when he was elected Senator.

SAY JUSTICE BLACK TOOK KLAN'S OATH

Urge Pres. Roosevelt To
Ask His Resignation
From High Court
9-18-37

WASHINGTON, Sept. 17—President Roosevelt will be petitioned by a group of citizens composed of many races who will urge him to request the resignation of Justice Hugo L. Black from the United States Supreme Court.

Justice Black, whose appointment was railroad through the Senate, has been proven to be a life member of the Ku Klux Klan of Alabama. This was substantiated when former governor Thomas E. Kilby of Alabama declared in Anniston Tuesday that he had a photostatic copy of the card granting Justice Black life membership in the Klan. The governor is also quoted as saying that similar copies of the card now in his possession were used in 1932 when Justice Black ran for the senate from that state, and was elected by strong Ku Klux support. An expose which was developed by a newspaper syndicate produced a letter addressed to J. W. Hamilton, a leading klansman of Birmingham, Ala., and

signed by Justice Black asking that his resignation be accepted. It follows:

"July 9, 1925

"Dear Sir and Klansmen:

"Beg to tender you herewith my resignation as a member of the Knights of the Ku Klux Klan, effective from this date on.

"Yours I. T. S. U. R.,

"Hugo L. Black."

Then, it is charged, the Birmingham headquarters of the Klan, on September 2, 1926, when it was felt that Klan issues would no longer harm Black, voted him a life membership and presented it to him in a golden tinted card which he now has in his possession.

Justice Black, in receiving this speech and thanked the Klan for electing him senator and pledged life loyalty to uphold its principles and prejudices.

Since the National Association for the Advancement of Colored People did not fight the appointment of Justice Black to the Supreme Court, through some understanding that has been a puzzle to its followers, it is expected that it will now reverse its position and join those forces seeking his resignation from

NO DISCRIMINATION CHARGED AGAINST HIM

By United Press

BALTIMORE, Md., Sept. 17.—Sen. George L. Radcliffe (D., Md.) former business associate of President Roosevelt, said today that if he had known Justice Hugo L. Black had been a member of the Ku Klux Klan he would not have voted for Black's confirmation.

Radcliffe said: "But one thing I will say, and that is, when the Senate Judiciary committee was considering the nomination, communications were received from Jews, Catholics and others endorsing him, and so far as I have been able to find out, there has never been any question of religious or racial discrimination charged against Black."

K. C. HEAD DENIES CRITICIZING BLACK

Catholic Organization Is
Non-Political, He Says
9-18-37

Dr. A. L. Stabler, head of the Knights of Columbus in Alabama, quoted in a Post headline as being critical of Justice Black, stated today that the heading was not in keeping with the spirit and text of his statement and placed him in a false position.

The headline in Friday's Post, State K. C. Head Criticizes Black, is directly contrary to the text of my statement made in response to many inquiries about Catholic reaction in Alabama to Senator Black's appointment to the Supreme Court," Mr. Stabler said. "The reason for making any statement was because some Knights of Columbus endorsing Senator Black's appointment and using the order's name, were interpreted as placing the Knights of Columbus in politics, whereas, the order is totally non-political in itself, yet does not bar any member from politics of his choice.

"I was not speaking as the state Knights of Columbus head, or as private citizen criticizing Senator Black on my own account, but attempting to interpret the feeling of Catholics of the state generally, and to convey the idea the Knights of Columbus order is non-political."

Loyalty Of Klan To President Expressed

YORK, PENN., Sept. 18.—(AP)—The grand dragon of the Pennsylvania Ku Klux Klan announced today at the close of a State convention that klansmen "will support President Roosevelt four square no matter what the outcome of the controversy over the appointment of Justice Hugo L. Black to the Supreme Court."

The dragon said Pennsylvania klansmen would support the President "even if he asked Justice Black to resign."

The Klan official issued a statement after two business sessions of the hooded order in the little auditorium on the North York playground. "We will stand by the President to the last degree," the dragon said, "and we should take the same stand if Justice Black was a Catholic or a member of any other denomination." At the same time, the grand dragon said, "Pennsylvania klansmen see no reason why any of our members should be discriminated against for any public office."

The official convention statement said delegates from 65 of the 67 counties in the State were represented.

Tonight, a cross will be burned on a slight elevation overlooking the convention hall.

CUMMINGS DENIES BLACK INQUIRY DUTY

James
**Would Have Been Impertinence
to Investigate Private Life
of Senator, He Says**
9-23-37
NOT DEPARTMENT CUSTOM
Hampton
**But It Is a 'Fair Bet' That He
Will Talk to Fort on Klan When
He Gets 'Around to It'**

Special to THE NEW YORK TIMES.
WASHINGTON, Sept. 22.—It would have been an "act of impertinence" for the Department of Justice to have investigated the private life of Hugo L. Black before his appointment to the Supreme Court, Attorney General Cummings said today at the first press conference he has held since the public issue arose concerning charges that Mr. Black was or is a member of the Ku Klux Klan.

Mr. Cummings, to whom President Roosevelt's choice is said to have come as a surprise, said that no investigation was called for, any more than in any other case where a Senator was well known to his colleagues. His statement suggested to observers the recent story to the effect that President Roosevelt felt the duty for any investigation of Mr. Black lay with the Senate.

Questioned as to a story that William E. Fort, special Assistant Attorney General and a former law partner of Mr. Black, had been Mr. Black's fellow-member in the Klan, the Attorney General said all he knew about it had been gained from reading the newspapers. He readily admitted that it was "a fair bet" that he would talk to Mr. Fort "when I get around to it," but when asked if he conferred with Mr. Fort prior to the time the Black appointment was sent to the Senate he replied:

"I haven't spoken to or communicated with Judge Fort in a year."

Fort Refuses to Discuss It
Judge Fort refused to discuss the matter in such a situation. This was an allusion to attacks by Albert

matter either as regards himself or Mr. Black.

"Mr. Black is on his way home and I am sure that any statement he makes upon arrival will be the truth," he stated.

Mr. Cummings said his department had not made an investigation before the nomination was acted upon in the Senate, or immediately afterward and was not doing so now.

"It has been stated frequently that the Department of Justice made no investigation of Mr. Justice Black prior to the sending of his name to the Senate," the Attorney General added. "That is correct."

"It is not the practice of this department to make any investigation of the private lives of prospective appointees to the Supreme Court, or indeed any other investigation in regard to them. Nor do we make any other investigation of those receiving serious consideration."

"For instance, no investigation was made by this department of Chief Justice Hughes, none of Mr. Justice Cardozo and none of Mr. Justice Roberts. While I have not examined the records, I should be very much surprised if Mr. Justice Stone, Attorney General at the time of his appointment, made any investigation of himself."

"In the case of Mr. Justice Black no investigation was called for. The reason is obvious. This is especially true where the nominee is a member of the Senate and well known to his colleagues."

"Where a man has been eminent in past life and associated for years with the members of the Senate, it would be an act of impertinence to investigate his private life." It is not the practice."

As to Any Advance Knowledge
The Attorney General was asked if the appointment was known in advance.

"I leave that to you to work out. I think the facts are generally known," he replied.

When asked if he considered Associate Justice Black's legal position "unassailable," he declined to discuss the matter.

When Mr. Cummings was asked if it would develop upon him to defend Mr. Black in a legal fight, Mr. Cummings said there was no direct responsibility, and that Mr. Black could choose counsel as he saw fit in such a situation. This was an allusion to attacks by Albert

Levitt and Patrick Henry Kelly.

"On what do you base your recent statement that Mr. Black was unquestionably qualified, if there was no investigation?" Mr. Cummings was asked.

"I don't not think I will enlarge upon that; what I said might be misconstrued," was the reply.

To another question, whether, in the case of a Senator under consideration for the Supreme Court, any government agency should investigate facts that might tend to disqualify him for public office, Mr. Cummings replied that he thought his previous statement was an answer.

The Attorney General was asked about a previous statement which he was understood to have made to the effect that about seventy-five possible nominees for the Supreme Court vacancy were being investigated. In cases where the records were not well known, he replied, he considered that an investigation would not be "inappropriate."

Silent on Klan as a Barrier
The Attorney General was asked whether he considered that past membership in the Klan would constitute a barrier to Supreme Court membership, but he declined to "enlarge" upon his previous remarks.

"Senator Borah holds that while a private citizen cannot institute quo warranto proceedings in the Black matter, you can do so," a newspaper man suggested.

"Oh, that deals with the general power of quo warranto," Mr. Cummings countered. "I am not going to answer that one."

Quo warranto is a legal term applying to a writ or proceeding by which the government inquires into the right of a person or corporation to hold an office or exercise a franchise which was never lawfully held, or which has been forfeited by neglect or abuse.

With Justice Black upon the highlock, stock and barrel, in 1924, save his honor, Colonel Simmons said his successors threw out every all sorts of stories as to what the Supreme Court will do about his "qualifications" are being heard in Washington. As a matter of fact, the justices have no control over Mr. Black. The Senate judges the qualification of its own members, but the court has no such privilege. When a new justice walks in with his commission, he merely informs the court that he is ready to assume the post, and has his credentials with him.

Most of the surmises about what the justices can do are based upon the fact that Mr. Levitt has filed a motion to deny Mr. Black a seat on technical grounds, but it is generally believed that the justices will deny the motion along with others on Oct. 4.

KLAN IS ALL BLUFF, DECLARES FOUNDER

**Col. W. J. Simmons Says That
Present Body Is Used for
Selfish Aggrandizement**

PRAISES ORIGINAL PURPOSE

**Atlantan Declares Body's Aim
Was Patriotic, Not Anti-Catholic or Anti-Jew**

Special to THE NEW YORK TIMES.
ATLANTA, Sept. 22.—"The Ku Klux Klan today is all bluff," Colonel William J. Simmons, founder and former emperor and imperial wizard, declared here today. "The organization is unworthy of any man. It is without purpose, except selfish aggrandizement," he added.

Breaking the silence of years, Colonel Simmons told what he called the "inside story" of the rise and fall of the Klan's power. He charged that the Klan was wrecked by "traitors" after seizing control in 1923.

"These traitors took charge to repudiate the purpose of the organization," he asserted. "They wanted to loot and destroy and that's what they have done. They have destroyed the order. The Klan, while I ran it, was not a Negro-whipping organization."

Declaring that he left the Klan in 1924 to save his honor, Colonel Simmons said his successors threw out every "qualifications" are being heard in Washington. As a matter of fact, the justices have no control over Mr. Black. The Senate judges the qualification of its own members, but the court has no such privilege. When a new justice walks in with his commission, he merely informs the court that he is ready to assume the post, and has his credentials with him.

Most of the surmises about what the justices can do are based upon the fact that Mr. Levitt has filed a motion to deny Mr. Black a seat on technical grounds, but it is generally believed that the justices will deny the motion along with others on Oct. 4.

Fight on Catholic, Jew, Denied
When organization of the Klan began in 1915, Colonel Simmons said, there was no thought on his part or of his associates of anything affecting Catholics, Jews or any religious sect.

He added:

"There was no prejudice, but there was pride. There would not have been a white race on earth if man had not been proud. God established the races, and he intended them to remain separate, and intermixing them will wreck them."

"In 1915 I started checking on motives and saw that I was right. Borglum, the sculptor. My study had proved that the time was ripe."

"I contacted men who had served in the first Ku Klux Klan and as imperial wizard by agreement, Negroes who had seen the Klan subordinates gained full control work and I got all the information under a shading or interpretation I could. I talked to Northern men of the charter."

who had been sent South to spy on the original Klan and who had resigned their union jobs to join the Klan.

"If it was not for that first organization, God knows what would have happened in America. That crowd planned to create a Negro empire in the South and the reflex over the North would have been horrible, engulfing the entire nation. The Klan saved all America after the Civil War."

"The soul of the organization was reincarnated in the new Klan. The name was taken from the Greek word Kuklos, meaning a band or circle."

Started With Sixteen Men

"I started out with sixteen men, and during the five years from 1915 to 1920 we had a regular night-mare—no funds, plenty of sneers. But we won every fight despite newspaper and Congressional investigations."

"In 1922 our average increase in membership was 3,500 a day and we took in 1,200,000 members. Our daily income was \$45,000 from members and sale of paraphernalia. The Klan extended from coast to coast and into Canada, and appeals were coming in from every white nation on earth for the establishment of the order in their countries."

"In one Middle Georgia town I returned down the application of a man who wanted to organize a Klan because he knew 'of fifteen or twenty Negroes who need the hide to re-ripp off their backs.'"

"There was never an organization projected among men that had higher or nobler principles based on patriotism and honor. If the Klan had gone on five years longer on that basis there is not a single American citizen who would have refused to indorse it."

"The men, however, who ruthlessly took charge did not even know the principles or ritualism. They were moved by selfish aggrandizement, a desire for graft. They created a condition I could not indorse."

Colonel Simmons said he did not seek to capitalize on the movement, although "I could have become a multi-millionaire. I never received \$1 as salary for my services, although the Klan was my own child. I founded it for a holy purpose for generations to come."

Says All but Two Aides Deserted

In connection with the fight for control of the Klan, Colonel Simmons said that all but two of his fourteen-member cabinet were involved. One of the two remaining loyal to him, he said, was Gutzon Borglum, the sculptor.

Colonel Simmons said that after he had been made emperor and Dr. Hiram W. Evans had been put in as imperial wizard by agreement, Negroes who had seen the Klan subordinates gained full control work and I got all the information under a shading or interpretation I could. I talked to Northern men of the charter."

He expects to leave the hospital Saturday.

There really is no national or local groups. Except in certain local groups, Klan backing has been defeated. Every man who has run for office in Georgia in the last ten years with Klan support has been defeated. Governor Rivers was not elected because of Klan support but because the people voted against Talmadge. Colonel Simmons was interviewed in the Veterans Hospital here where an accident in 1925 and was

BLACK'S KLAN TIES PICTURED AS KNOWN TO CUMMINGS AIDE

James
**W. E. Fort, an Ex-Law Partner
of Nominee, Was Fellow Mem-
ber, Washington Reports**

9-22-37
EXPECTS JUSTICE TO TALK

New York
**But He Himself Won't Com-
ment as Alabamian Sails for
Home on Small Ship**

Special to THE NEW YORK TIMES.
WASHINGTON, Sept. 21.—Attor-
ney General Cummings, who has
asserted that the Justice Depart-
ment made no investigation of the
qualifications of former Senator
Hugo L. Black as a Supreme Court
justice, was declared here today to
have been able to have ascertained
without going out of his office that
the Senator had been a member of
the Ku Klux Klan.

William E. Fort, special assistant
attorney general and a former law
partner of Mr. Black, was de-
scribed on what appeared to be a
good authority as having been a
fellow-member of the Robert E.
Lee Klan 1 of Birmingham, Ala.,
from 1923 to 1926.

Mr. Fort and another member of
this Klan, it was revealed, were to
have been called by Senator Burke
Democrat, of Nebraska, in the in-
vestigation which he proposed the
Senate Judiciary Committee should
make into the qualifications of the
President's nominee.

Mr. Fort, who was a Circuit judge
in Alabama for fourteen years, re-
fused to discuss the question. He
thought it would improper for him
to discuss the matter at this time,
and expressed confidence that Jus-
tice Black himself would make a
full disclosure of the facts upon his
return from Europe.

Fish's Comment on Western Trip
WASHINGTON, Sept. 21 (AP).—
Representative Fish of New York

said today that President Roose-
velt's impending Western tour was
a "studied attempt" to avoid meet-
ing Associate Justice Black before
Mr. Black takes his seat on the Su-
preme Court bench.

Terming published accounts of
Justice Black's initiation into the
Ku Klux Klan "so specific and
that in view of the Senator's (Mr. yet."
Black's) silence, they must be ac-
cepted as authentic," Mr. Fish
continued:

"The President is solely respon-
sible for the appointment and can-
not evade the issue by remaining
silent on running away from it."
Mr. Fish asserted that Charles
Michelson, Democratic National
Committee publicity director, knew
of Mr. Black's alleged Klan affilia-
tion "for years."

"I am beginning to believe," Mr.
Fish said, "that there was a con-
spiracy of silence in which the
President was the chief offender
in order to rush through the con-
firmation of the white-robed Sen-
ator from Alabama."

Cutler Smith, a nephew by mar-
riage of Justice Black, said during
the day he believed Mr. Black
would make a statement on his al-
leged affiliation with the Klan, "if
it is requested by the proper au-
thorities" and that the justice
would not evade that or any other
question. He added that he had no
way of knowing whether or not the
justice was a member of the Klan.

Maverick Criticizes Wheeler
SAN ANTONIO, Texas, Sept. 21
(AP).—Representative Maverick
criticized Senator Wheeler today for
urging President Roosevelt to de-
mand the resignation of Justice
Black.

"As a bitter opponent of the Klan
from the time of its organization,"
Mr. Maverick said, "I denounce the
fight on Mr. Justice Black as un-
derhand politics. I have been asked
to join in his impeachment. For
what? He cannot be impeached as
all, and those who advocate it know
it. They do so not only to embar-
rass the President, but the Supreme
Court of the United States as well."

NORRIS BACKS BLACK-PUSHES COURT REFORM

Early work
**Alabama Senator Was
Not Probed by Justice
Men, Cummings Says**

LINCOLN, Neb., Sept. 22 (UP).—
Senator George W. Norris said to-
day the appointment of Hugo L.
Black to the U. S. Supreme Court
was "a wonderfully good" one, re-
gardless of the Ku Klux Klan ques-
tion.

The veteran Nebraska Senator
said the "court fight is not over-
t." Norris said he was prepared to
participate actively in a revival of
the court reorganization fight.

He said the bill favors:
1. A law by Congress requiring
more than a bare majority of the
Supreme Court to invalidate an act
of Congress. He believes this does
not require a constitutional amend-
ment.
2. A constitutional amendment
limiting the tenure of judges to
"something less than life." Norris
believes nine years would be about
right.

ELACK WAS NOT INVESTIGATED

WASHINGTON, Sept. 22 (UP).—
Attorney General Homer S. Cum-
mings said at a press conference
today that the Justice Department
made no investigation of Hugo L.
Black either before or after Presi-
dent Roosevelt named him an As-
sociate Justice of the Supreme
Court. He said such an inquiry
would have been "an act of im-
pertinence."

CONGRESS PROPOSAL TO REMOVE BLACK

LINTON, Mass., Sept. 22 (UP).—
Senator David I. Walsh, D.,
said today a resolution de-
manding immediate resignation of
Associate Justice Hugo L. Black
from the Supreme Court would
undoubtedly be offered in the Sen-
ate next session unless Congress is
assured that Black is not a Ku
Klux Klan member.

REPUBLICAN CHIEFS ASSESS BLACK ISSUE

Hamilton, at Parley With City
Leaders in Washington, Pre-
dicts Effect Next Year

COURT BILL COUNTED ON

Roosevelt Plan Another Cause
of What Chairman Describes
as Anti-Democratic Trend

Special to THE NEW YORK TIMES.
WASHINGTON, Sept. 21.—The
action of Associate Justice Black's

membership in the Ku Klux Klan
and President Roosevelt's demand
for changes in the Supreme Court
have had a definite political effect
and may be the real issues in the
Congressional elections next year,
John D. M. Hamilton, chairman of
the Republican National Commit-
tee, said today after sentiment was
sounded at a conference of eight
Republican leaders representing
cities of more than 500,000 popula-
tion.

The conference, an all-day session,
discussed the political situation in
all its aspects. The Administra-
tion's labor and court policies were
declared by the Republican chief-
tains to be causing a great upheav-
al in sentiment against the Demo-
cratic party. The greatest rever-
say, they reported, was depicted
as a result of the appointment of
Senator Black to the Supreme
Court.

"It will be the issue that will turn
thousands against the Administra-
tion in the 1938 elections," said
John Brining, secretary of the De-
troit City Committee. "We are
studying how we can best capitalize
the defection and turn sentiment
against the Democratic party."

Black as the Chief Topic

Chairman Hamilton said Asso-
ciate Justice Black's alleged mem-
bership in the Klan was more dis-
cussed than any other question to-
day. The public, he declared, was
very critical of the President for
naming Senator Black to the court
without thorough investigation of
his qualifications. Reports were re-
ceived that the Republican cause
was greatly improved in the agri-
cultural districts and small towns,
the chairman added.

"Even in the industrial sections
things are looking up, but we are
not so optimistic of making much
headway there in the Congressional
elections," he asserted.
"There will be a substantial turn-
over in the Congressional elections.
If conditions improve next year as
much as in the last few months, the
Republicans should make surpris-
ing gains."

Mr. Hamilton was hopeful that
the Republicans would capture
enough seats so that by a combina-
tion with anti-Administration Dem-
ocrats they could wrest control of
the House from the Administration.

The proposal attributed to former
President Hoover for an informal
convention of Republicans in ad-
vance of the Congressional elec-
tions was not discussed. Mr. Ham-
ilton said it would be laid before
the Executive Committee of the
National Committee when it meets
here Thursday, along with the sug-
gestion of Senator Vandenberg of
Michigan for a coalition in 1940
with the conservative Democrats.

It is doubted that the Executive
Committee will act, since it would
prefer that the question to be
passed upon by the National Com-
mittee. Mr. Hamilton plans to call
the National Committee together in
Chicago late in October or early in
November.

Regrets Hilles's Resignation

The resignation of Charles D.
Hilles as national committeeman
from New York was discussed at
the conference. The only party
veterans left who figured with Mr.
Hilles in party control are Ralph
E. Williams of Oregon and Daniel
E. Pomeroy of New Jersey. J.
Henry Roraback of Connecticut
died early this year.

Commenting upon Mr. Hilles's
resignation, Chairman Hamilton
said:

"I have received the news of Mr.
Hilles resignation as a member of
the Republican National Commit-
tee from New York with a feeling
of deep regret that he now finds
it necessary to end his long period
of official service with the party."

City leaders attending today's
meeting were Leo E. Anderson,
chairman of Los Angeles County
Republican Committee; I. M. Peck-
ham, chairman San Francisco Coun-
ty Republican Committee; Judge
August F. Mueller, chairman Bal-
timore Republican City Committee;
Carroll L. Meins, president Boston
Republican City Committee; John
Breining, secretary Wayne County
Detroit Republican Committee;
Fred W. Pape, chairman St. Louis
Republican City Committee; Rees
H. Davis, chairman Cuyahoga
(Cleveland) County Republican
Committee, and Jay Cooke, presi-
dent Philadelphia Republican City
Committee.

Hamilton Proposed Convention

WASHINGTON, Sept. 21 (AP).—
Chairman Hamilton disclosed to-
day that he had suggested several
months ago a Republican conven-
tion in advance of next year's Con-
gressional elections. The idea, not
announced at that time, was
brought into prominence several
weeks ago by former President
Hoover.

After his conference with Repub-
lican leaders today, Mr. Hamilton
told reporters that at the last meet-
ing of the party's national exec-
utive committee he appointed a
committee to look into the possi-
bilities.

He went to the office files and
produced the minutes of the exe-
cutive committee meeting on March
30, for the inspection of corre-
spondents.

Mr. Hamilton explained that he
was reserving judgment on the ad-
visability of such a convention until
the national committee meets in
November, when, he added, it will
"certainly be discussed."

He said he had received resolu-
tions from several large Repub-
lican groups favoring such a meeting.

Jones Also Was Klansman, 'Expose' Of Black Asserts

Developments Come Thick And Fast In Controversy Over Justice's Membership In Birmingham; 'Cheap Politics,' Congressmen Say

Denials and "I don't recall" statements filled the air today as more prominent Birmingham names were brought into the spotlight of the Klan issue fight being waged on the appointment of Hugo L. Black to the U. S. Supreme Court.

Publication of The Pittsburgh Post-Gazette of a purported official Klan record listing "Jimmie Jones" present as a member of Robert E.



Outside view of United Temple, at 1809½ Fourth-av, n, formerly the Ben Hur Hall where the Robert E. Klan met for 15 years.

Lee Klan when Mr. Black and Gov. Bibb Graves were said to have received life memberships in the hooded order, brought an emphatic denial from the City Commission president.

"I never in my life attended a Klan meeting at which either Hugo Black or Bibb Graves was present," Mr. Jones asserted. "Nor was I ever a member of the Robert E. Lee Klan. I joined the Ensley Klan in 1925 but never attended but two meetings."

Headed "Proceedings of the Fourth Annual Klorero, Knights of the Ku Klux Klan, Realm of Alabama," the document reproduced in photostats by the Pittsburgh paper was dated Sept. 2, 1926, and was transcribed on stationary bearing the letterhead of the since dissolved court reporting firm of Stallings, Brazelton & Hale.

A. B. Hale, whom the newspaper named as the member of the firm

Interior view of the former Ben Hur Hall, Klan meeting place. It was in this hall that those accusing Justice Black, claim he attended Klan meetings.

who recorded the meeting, said today that if he did so "I don't recall it." The initials "A. B. H." appeared on the transcript.

"I don't recall ever taking minutes of any Klan meeting, either in Birmingham or anywhere else in the state," Mr. Hale, now official court reporter in Jefferson Circuit Court.

Informed that the copy reproduced by the Pittsburgh paper listed him as "official court reporter of the Robert E. Lee Klan, Mr. Hale said, "If I ever had such a title I was not aware of it." He declined to state whether he was a Klansman.

Meanwhile, friends of Justice Black here and over the state, including former colleagues in the Alabama congressional delegation rallied to the former senator's defense and branded the "post mortem" attack being waged on his already confirmed bench appointment as "cheap politics."

Other Names Promised

Postmaster W. Cooper Green, a close friend of Mr. Black and a political adviser, issued a list of Catholics and Jews whom the former senator aided in getting Federal jobs—to show that the newly-appointed justice is not bigoted and prejudiced by Klan affiliation as his critics contend.

The list contained 15 names, but several of them were Catholics and Jews who have shared the Black patronage will be released as soon as they can be compiled from various department records, Mr. Green said.

Alabama congressmen rallying to Justice Black's defense included Rep. Lister Hill of Montgomery, a candidate to succeed Mr. Black in the Senate; Sam Hobbs of Selma, mentioned as a possible senatorial candidate; Joe Starnes of Guntersville and Luther Patrick of Birmingham.

'Cheap Politics'

Representative Hill declared "cheap politics" is back of the anti-Klan stand of Sen. Royal S. Copeland, and, who is making Justice Black and the Klan an issue in his race for the mayorship of New York.

"Mr. Justice Black is on the court and is there to stay," Mr. Hill declared. "But for cheap politics a New York mayor's race, no question ever would have been raised as to Justice Black's possible affiliation with the Ku Klux Klan at any time. I wouldn't dignify the attack by commenting on it."

Representative Hobbs accused Copeland of "setting up a straw man." "In my opinion, this is just a straw man set up for some political shadow-boxing in a New York political race," he said. "That issue was thoroughly threshed out before Justice Black's appointment. He is on the court now and any further discussion could have no possible effect or bearing on his status. I don't feel such an attack ought to be dignified by comment."

'Broad Minded'

Mr. Patrick termed the Klan issue "a most ridiculous charge," and declared the New York senator "is going as far from home as possible" in his race for mayor. "He'd be better off plowing in his own field," the Birmingham congressman added.

He said he regards Justice Black "one of the broadest-minded men I know," and pointed out that when John H. Bankhead was running for the Senate against the then Sen. J. Thomas Heflin, "the Klan candidate," Mr. Black threw his support to Mr. Bankhead's candidacy. "If he ever was a member of the Klan," Mr. Patrick said, "his fair-mindedness and freedom from bigotry certainly do not indicate it."

Expresses Confidence

Representative Starnes said: "My personal reaction is that this

affair is simply a matter of cheap city politics in New York. It can in nowise affect Hugo Black's eligibility for the Supreme Court as he has been appointed and confirmed by the Senate. Impeachment would be the only possible way to remove him. I have the utmost confidence in Hugo Black, and frankly I hate to see this unpleasant publicity about a member of the nation's highest court."

Again Upheld

Rep. Henry Steagall of Ozark, whose district was a Klan stronghold when the hooded order was in its heyday, declared he does not care "to get mixed up in this controversy."

"I think Copeland is hurting himself more than aiding his campaign," Mr. Steagall added. "I don't know if Senator Black is a member of the Klan and I don't care. I disagree that Black should resign from the Supreme Court because of any Klan affiliation."

"I don't think that a Klan membership is grounds for impeachment charges. I am against any kind of resigning. In fact I am against death and resignations."

Reported Meetings

The veteran House member declared he was "real polite to the Klan myself in 1926 but I'm not a member."

A. W. Brazleton, who was associated with Court Reporter Hale in the firm of Stallings, Brazelton & Hale in 1926, said today members of the firm frequently recorded the minutes of Klan meetings, but said he had no knowledge of the transcript published in The Pittsburgh Post-Gazette and credited to Mr. Hale.

"I reported several Klan meetings myself but I was not a member," Mr. Brazleton said. "We charged them the usual fee, the same as for handling cases in court. We were always sworn to secrecy."

'Refused Pay'

He said Ray Sprigle, author of The Post-Gazette stories, came to him about three weeks ago in Birmingham "an offer to pay me if I would certify to some transcripts which he said bore the name of my old firm and were in his possession."

"I told him all the money his paper owned could not make me certify something I did not know to be so. I told him I was a friend of Hugo Black, and that ended the conversation."

Mr. Brazleton said he "never saw Black in a Klan hall in my life."

Appointees Named

The names of Catholics and Jews listed by Postmaster Green as having been aided by Senator Black in obtaining Federal appointments and jobs include:

Dr. Charles Whelan, Catholic, member Federal Parole Board; Rocco Leo, Italian, Catholic, adjuster

in Service Department, Home Owners' Loan Corp., Birmingham; Judge Charles N. Feldelson, Jew, collector, Mobile; J. O. Stuardi, Catholic, Southern Regional Manager, National Labor Relations Board; May-Rose Skinner, Catholic, deputy collector; U. Newfield, Jew (son of Rabbi), Cecelia Widney, Catholic, Morris Newfield, Birmingham, at-office deputy; Mrs. Pauline Tosney, Securities and Exchange, Atlanta, Ga.; Bernard deputy; Harry Marks, Jew, deputy; Gottlieb Jew, economist at Wash-collector; Bernard Signier, Catholic, U. S. Custom Collector, Port of Mobile, Ala.

He's Against Rehearsing Klan Issue

Reader Doesn't Like To
Think Of Kilby In
Picture Again

Editor, The Post:

It is very regrettable to think ex-Governor Kilby has been flashed on the screen, especially in line with the critics of Justice Hugo Black.

I don't quite grasp the idea of rehearsing the campaign of 1926 when Justice Black defeated ex-Governor Kilby for the Senate. Mr. Black while making that campaign pledged himself in his public addresses throughout the state to do everything in his power to enact laws that would safeguard the rights, property and the lives of all citizens alike regardless of creed or color. That he has done regardless of the threats of the tight-fisted mill, mine and sweatshop owners who have always increased their millions by lobbying measures through the Senate and Congress that gave them a loophole to get an injunction against labor organizations who dared ask for a living wage. Did he let them scare him? No, Mr. Black knew too well that the pay of the laboring men and women is the only way by which any nation can even hope to stand, much less prosper.

When Mr. Black was fighting in the Senate for the wages and hours bill, laboring men, regardless of nationality, regardless of religious belief, were praising him for his broadmindedness, honesty and fairness. Only a few are excited over the Ku Klux Klan issue which has been raised. The nation has a leader of their own choosing, Franklin D. Roosevelt, and the nation is willing to trust his choice.

Some are saying the President will have to take action when Justice Black returns from Europe, that the Klan will be an issue in the next presidential campaign. I wonder how many can recall a presidential election when the reactionaries did not flood the nation with cartoons of some dead issue.

S. B. KIRKPATRICK.

They Speak Up For Hugo Black



Charges that recently-appointed Supreme Court Justice Hugo L. Black is a life member of the Ku Klux Klan sent reporters on two continents hurrying to interview the two men shown above, Alabama's Gov. Bibb Graves, left, said he formerly belonged but "could not recall" ever having met Black at a Klan gathering. Klan Imperial Wizard Hiram W. Evans, left, asserted that Black is not now a Klansman.

Jackson, Miss., News
September 19, 1937

HUGO BLACK

Government in Washington is getting louder and somewhat funnier, even if Congress is not in session.

Senator Burton Wheeler, Montana, is demanding that an impartial committee be appointed to investigate the charge that Ex-Senator Hugo Black, recently appointed a member of the United States Supreme Court, was elected to life membership in the now defunct and loud-smelling organization known as the Ku Klux Klan.

The National Association for the Advancement of Colored People, social-equality organization, backs Senator Wheeler's demand.

There will be lots and lots of writing coming over the wires from Washington concerning the qualifications and disqualifications of Hugo Black, but the main point has been missed thus far.

Ex-Senator and Associate Justice of the Supreme Court Hugo Black is now sojourning somewhere in Europe. He sailed away shortly after taking the oath of office.

When he gets back home and prepares to squat in a softly-cushioned seat in the USSC he should be first required to prove that he is somewhat better than a police court lawyer.

That's what he used to be in Birmingham, which is his old home town. It is not plausible to believe that several years of service in the United States Senate have improved his legal talents or added anything to his wisdom.

Whether or not Hugo Black is, or used to be, a member of the K. K. K. isn't important, but it is highly important to discover whether or not he is a lawyer of sufficient brains and ability to wear the black gown of a Supreme Court judge.

Writers in Washington who broadly intimate that FDR may ask Hugo Black to resign are merely indulging in some foolish fulminating with words.

Never yet has FDR publicly admitted that he made a serious mistake, despite the fact that he has made many.

Danville, Va., Register
September 15, 1937

AN INCIDENTAL DISCLOSURE

The furor precipitated by the disclosure, in a copyrighted article of the North American Newspaper Alliance, that Hugo L. Black, associate justice of the Supreme Court, was and is a member of the Ku Klux Klan comes too late to affect his status on the high tribunal and, it seems to us, too late for effective complaint.

It can be objected, of course, that a man who swore the solemn oath of the Klan which committed him to deny to Jews, Catholics, and Negroes the equal rights guaranteed to all by the Constitution of the United States took a conflicting oath when he swore to "administer justice without respect to persons." But it must be remembered that even with the Klan issue soft-pedalled while Mr. Black's name was before the Senate many people believed that the partisanship which characterized his political career disqualified him for a seat on the bench. His opponents opposed him on the ground that he would prove a biased justice. His supporters supported him on the ground that he would prove a biased justice. The only difference between these contradictory views was that his opponents thought that he would be prejudiced against their interests and that his supporters believed that he would be prejudiced in favor of their interests.

Since Mr. Black's appointment, therefore, was purely political, since it was generally agreed that he was named to the Supreme Court to look after the interests of special classes, it seems only incidental that he should be committed by a prior oath to deny equal justice to other classes—the Jews, the Catholics, and the Negroes. If his appointment was made and approved and accepted with the expectation that he would favor certain groups, it should have been expected that he would oppose other

groups. And from the standpoint of abstract justice, it makes no difference what groups they are.

So there is no reason for the President who appointed him, the Senate which confirmed him, and the American people who accepted him to get excited over the recent disclosure. The belief on the part of some and the hope on the part of others that Mr. Black would dismiss his economic prejudices when he mounted the bench can be extended to include the belief and the hope that he will also dismiss his racial and religious prejudices. After all, every one knew that Mr. Black was a politician; and they should have known that a politician would have joined the Ku Klux Klan in Alabama when the Klan was controlling public offices.

Me's Against Rehearsing Klan Issue

Reader Doesn't Like To

They Speak Up For Hugo Black

Think Of Kilby In

Picture Again

Editor, The Post:

It is very regrettable to think ex-Governor Kilby has been flashed on the screen, especially in live with critics of Justice Hugo Black.

I do not quite grasp the idea of rehearsing the campaign of 1926 when Justice Black defeated ex-Governor Kilby for the Senate.

Mr. Black while making that campaign pledged himself in his public addresses throughout the state to do everything in his power to enact laws that would safeguard the rights, property and the lives of all citizens alike regardless of race or color. That he has done regardless of the threats of the tight-fisted mill mine and sweatshop owners who have always increased their profits by lobbying measures through the Senate and Congress that gave them a monopoly to get an injunction against labor organizations who dared ask for a living wage. Did he let them scare him? No, Mr. Black knew too well that the pay of the laboring men in the cotton fields is the only way by which any nation can even hope to stand, much less prosper.

When Mr. Black was fighting in the Senate for the wages and hours bill, laboring men, regardless of nationality, regardless of religious belief, were praising him for his broad-mindedness, honesty and fairness. Only a few are excited over the Ku Klux Klan issue which has been raised. The nation has a leader of their own choosing, Franklin D. Roosevelt, and the nation is willing to trust his choice.

Some are saying the President will have to take action when Justice Black returns from Europe, that the Klan will be a force in the next presidential campaign. I wonder how many can recall a presidential election when the reactionaries did not flood the nation with cartoons of some dead issue.

S. B. KIRKPATRICK.



Charges that recently-appointed Supreme Court Justice Hugo L. Black is a life member of the Ku Klux Klan sent reporters on two continents hurrying to interview the two men shown above, Alabama Gov. Bibb Graves, left, and a Klan gathering. Klan If- of the United States took a conflicting oath when not really ever having met Bibb Graves, a Klan gathering. Klan If- of the United States took a conflicting oath when not really ever having met Bibb Graves, a Klan gathering. Klan If- of the United States took a conflicting oath when not really ever having met Bibb Graves, a Klan gathering.

HUGO BLACK

Government in Washington is getting louder and somewhat funnier, even if Congress is not in session.

Senator Burton Wheeler, Montana, is demanding that an impartial committee be appointed to investigate the charge that Ex-Senator Hugo Black, recently appointed a member of the United States Supreme Court, was elected to life membership in the Ku Klux Klan, a defunct and loud-smelling organization known as the Ku Klux Klan.

The National Association for the Advancement of Colored People, social-equality organization, backs Senator Wheeler's demand.

There will be lots and lots of writing coming over the wires from Washington concerning the qualifications and disqualifications of Hugo Black, but the main point has been missed thus far.

Ex-Senator and Associate Justice of the Supreme Court Hugo Black is now sojourning somewhere in Europe. He sailed away shortly after taking the oath of office.

When he gets back home and prepares to squat in a softly-cushioned seat in the USSC he should be first required to prove that he is somewhat better than a police court lawyer.

That's what he used to be in Birmingham, which is his old home town. It is not plausible to believe that several years of service in the United States Senate have improved his legal talents or added anything to his wisdom.

Whether or not Hugo Black is, or used to be, a member of the K. K. K. isn't important, but it is highly important to discover whether or not he is a lawyer of sufficient brains and ability to wear the black gown of a Supreme Court judge.

Writers in Washington who broadly intimate that FDR may ask Hugo Black to resign are merely indulging in some foolish fulminating with words.

Never yet has FDR publicly admitted that he made a serious mistake, despite the fact that he has made many.

Danville, Va., Reporter
September 15, 1937

AN INCIDENTAL DISCLOSURE.

The furor precipitated by the disclosure, in a copy-righted article of the North American Newspaper Alliance, that Hugo L. Black, associate justice of the Supreme Court, was and is a member of the Ku Klux Klan comes too late to affect his status on the high tribunal and, it seems to us, too late for effective complaint.

It can be objected, of course, that a man who swore the solemn oath of the Klan which committed him to deny to Jews, Catholics, and Negroes the equal rights guaranteed to all by the Constitution of the United States took a conflicting oath when he swore to "administer justice without respect to persons." But it must be remembered that even with the Klan issue soft-pedalled while Mr. Black's name was before the Senate many people believed that the partisanship which characterized his political career disqualified him for a seat on the bench. His opponents opposed him on the ground that he would prove a biased justice. His supporters supported him on the ground that he would prove a biased justice. The only difference between these contradictory views was that his opponents thought that he would be prejudiced against their interests and that his supporters believed that he would be prejudiced in favor of their interests.

Since Mr. Black's appointment, therefore, was purely political, since it was generally agreed that he was named to the Supreme Court to look after the interests of special classes, it seems only incidental that he should be committed by a prior oath to deny equal justice to other classes—the Jews, the Catholics, and the Negroes. If his appointment was made and approved and accepted with the expectation that he would favor certain groups, it should have been expected that he would oppose other groups. And from the standpoint of abstract justice, it makes no difference what groups they are.

So there is no reason for the President who appointed him, the Senate which confirmed him, and the American people who accepted him to get excited over the recent disclosure. The belief on the part of some and the hope on the part of others that Mr. Black would dismiss his economic prejudices when he mounted the bench can be extended to include the belief and the hope that he will also dismiss his racial and religious prejudices. After all, every one knew that Mr. Black was a politician; and they should have known that a politician would have joined the Ku Klux Klan in Alabama when the Klan was controlling public offices.

Hamilton Opposes Partisanism In Fight on Roosevelt Over Black

Republican Chairman Expresses Hope President Will Find Solution of 'Difficult Problem'—Connally Charges 'Furore' Is an Effort to Embarrass Chief Executive

Special to THE NEW YORK TIMES

WASHINGTON, Sept. 17.—John D. M. Hamilton, Republican National Chairman, condemned partisan criticism of President Roosevelt today in a statement on the Ku Klux Klan affiliation of Justice Hugo L. Black. At the same time with Senator Connally, Texas Democrat, charged that criticisms of Black appointment were partly aimed at embarrassing the President.

Mr. Hamilton's statement, issued through the Republican National Committee, said that Republicans as well as Democrats deplored President Roosevelt's ignorance of Mr. Black's alleged Klan connections. Issued in answer to the many inquiries concerning the Black matter, the statement read as follows:

"In view of Mr. Roosevelt's record on questions involving religious or racial tolerance, it is inconceivable that he would, knowingly have appointed a Klansman to the Supreme Court. It is a matter of regret to Republicans, no less than Democrats, that the President should have remained in ignorance of the evidence regarding the affiliations of Mr. Justice Black.

"In an issue of such seriousness affecting as it does the integrity of our fundamental institutions, there is no proper place for partisan criticism. As Americans we must all hope that Mr. Roosevelt will be successful in finding a solution of this difficult problem compatible at once with the dignity of the Supreme Court and of his high office."

Senator Connally, who fought the Supreme Court Bill, but who voted for Mr. Black, did not name the political motivators to whom he alluded. He insisted, however, that it was unfair to demand that Mr. Roosevelt ask for Mr. Black's resignation. His statement was telegraphed here from Houston, Texas.

"Most of the furore at this time

respect to Justice Black's appointment and confirmation is political," the Texan said. "From some sources, at least, it appears to be an effort to embarrass President Roosevelt."

"I am wholly out of sympathy with such effort. The President has stated that he had no knowledge, when Justice Black was appointed, as to any prior affiliations with the Klan."

"I thought the Klan was dead. However that may be, Justice Black was appointed by the President. He was confirmed by the Senate without any proof regarding such connection. He is now a member of the Supreme Court."

Impeachment Held Improbable

"The President has no power to remove him and it is unfair for the President's critics to urge that he request the resignation of Justice Black. No power on earth can remove him from the court except the House of Representatives by filing impeachment charges, and the Senate by trying such charges; such a course is wholly improbable."

"The President is independent of the court; the court is independent of the President; Congress is independent of both. The President ought not to be expected to undertake to influence a member of the court by putting pressure on him and permit her Governor-husband to resign or to pursue any other kind of course, once he has been appointed and confirmed as a judge of such court."

"One of the cardinal principles of the Constitution, whose 150th anniversary we are celebrating today, is that the three branches of government, legislative, executive and judicial, shall each, within its proper sphere, perform its particular functions without interference or influence from the branches."

"I insist as strongly as language can express that no interference by the Congress or the court shall be undertaken with regard to the constitutional functions of the President. The effort to embarrass the President is wholly without merit."

Connally Urged Confirmation

During the Senate debate on Aug. 17 Senator Connally spoke for the Black confirmation, but used most of his time in discussing the technical

cal phases of the situation and not the personality of the candidate. Earlier in the day Senator Cope land had brought up the Klan issue, but this played virtually no part in the Connally speech until some indirect remarks by Senator Burke led Mr. Connally to close with a statement that he had vigorously opposed the Klan.

"The Senator's record in his own State," he said of himself, "is clear on that issue because, when he was elected to the Senate for the first time, in his campaign he proclaimed his opposition to secret organizations which would challenge the right of men to exercise religious freedom. So my record in that respect is clear."

Labor, a weekly newspaper, asserted today that the Klan issue was "duck soup" for "reactionary newspaper foes of the Administration."

"It was made to order to attack the President's court reform program and to intensify the campaign to discredit the New Deal," Labor Senator Bulow, South Dakota Democrat, that Hugo L. Black was not a Klansman.

"A number of Senators asked me whether Senator Black belonged to the Klan," he said. "I told each of them that I had no personal knowledge on the subject."

"It is significant that many newspapers, while condemning Black's reputed affiliation, showed what was in their hearts when they complained he had offended big business and dragged in his exposure of the power trusts' fake telegram propaganda campaign against the Holding Company Act and his seizure of telegrams of publishers and others who were fighting that measure."

Administration Is Silent

With the lips of the Administration tight shut on the Black situation, nothing could be learned as to future intentions. Apparently all is at a standstill until the new associate justice returns from Europe. All sorts of solutions were suggested today, but most of them were faint and nebulous.

One was that Mrs. Dixie Bibb Graves might resign as Senator to permit her Governor-husband to rename Mr. Black to his former Senate seat.

It was learned that, although the court will probably pass upon about 225 petitions for review in the week between Oct. 4 and Oct. 11, none of these has been sent to Mr. Black. Ordinarily, all the justices receive such petitions during the Summer recess, in order to catch up with their arduous work. In justice to the new member, it was said, he could hardly be expected to undertake the task, as his appointment dates only from mid-August.

Black Has Received Pay

By The Associated Press.

WASHINGTON, Sept. 17.—The Government already has paid Hugo L. Black \$666.66 as twelve days' salary as a justice of the Supreme Court. The Justice Department disclosed today that it had more than a check to his office in the Senate Office Building, covering the period from the time he took the oath of office on Aug. 19 to the end of that month.

Mr. Black's pay check for August was mailed as a matter of routine, it was said. Each of the nine justices receives his \$20,000 annual salary in monthly installments of \$1,666.66. In many cases the checks are sent to the justices' banks for deposit and they never see them.

Meanwhile, the American Liberty League, virtually dormant since the election of last November, issued a statement contending that President Roosevelt must have known of Mr. Black's alleged Ku Klux Klan connections when he appointed him.

Bankhead Denies 'No Klan' Pledge

JASPER, Ala., Sept. 17 (AP).—Senator Bankhead stated at his home here today that he never had belonged to the Ku Klux Klan and that he had given no assurance to Labor Senator Bulow, South Dakota Democrat, that Hugo L. Black was not a Klansman.

BORAH WROTE BILL AFFECTING COURT

Draft Was Scuttled by Judiciary Group After Alabamian Was Named to Court

IT HIT ALL IN CONGRESS

But Idaho Senator Still Says Legalizing of 'Sumners Act Appointment' Is Needed

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WASHINGTON, Sept. 17.—The draft of a bill to "legalize" the appointment of Supreme Court justices filling vacancies created by retirement of members of the court under provisions of the Sumners act, and the enactment of which automatically would have prevented the appointment of Associate Justice Hugo L. Black, was prepared during the last session of Congress by Senator Borah of Idaho, it was disclosed today.

Senator Borah laid the draft before the Senate Judiciary Committee and found that his proposed

bill had practically unanimous support, it was learned. A day or two later, before the bill was offered in the Senate, the nomination of Senator Black of Alabama to be a member of the Supreme Court was sent to the Senate by President Roosevelt.

Members of the Judiciary Committee who were friendly to the Black appointment immediately turned thumbs down on Senator Borah's measure. Their reason was that, if such a measure, specifically creating new and additional members of the Supreme Court, became law, the Constitution would render ineligible for appointment to one of these new posts any member of the Congress passing that law.

Argument Raised in Senate

When the nomination of Mr. Black was before the Senate, the argument was made by Senator Borah, Senator Austin of Vermont and some others that no vacancy in the Supreme Court existed, under the law, and that, therefore, the President had no right to make an appointment. The law which provides that the Supreme Court shall consist of a Chief Justice and eight associate justices, they contended had not been repealed.

Associate Justice Van Devanter, now retired, continues to be a member of the Supreme Court, according to their argument. Only death or resignation, they insist, could remove him. Senator Borah still contends, in fact, that Mr. Black was made a tenth member of the court, in violation of the law which says there shall be nine members.

The Sumners act, providing for the retirement of justices of the Supreme Court after 70 years of age and ten years' service on the bench, the privilege earlier accorded judges of the lower courts, did not provide for an increase in the membership of the Supreme Court, but merely gave the President authority to appoint a successor to any justice taking advantage of the Retirement Act.

Senator Borah proposed in the bill he drafted to authorize the President to fill vacancies caused by the retirement of justices and, at the same time, to stipulate that the "active membership" of the Supreme Court should remain at nine. He insisted such an amendment of the law was necessary to legalize the appointment of justices of the Supreme Court who retired under the Sumners act.

Saw Precedent in Booth Case

Senator Borah bases his contention that Associate Justice Van Devanter is still a member of the Supreme Court on a decision of the court in 1934.

Judge Wilbur F. Booth of the

Eight Circuit Court of Appeals brought suit to compel the Government to continue to pay his full salary, although he had been re-effective early in the year. Mr. Borah discussed the question briefly with the late Senator Robinson, as the legal technicality is concerned. The Sumners act became law in 1934. Other Senators who have taken a different view from Borah, so far as the legal technicality is concerned, maintained that the Sumners act itself amended the law providing for a court of nine members. Senator Robinson, or any other member of the Congress that passed the Sumners act, was ineligible for the appointment.

Hamilton Opposes Partisanship In Fight on Roosevelt Over Black

Republican Chairman Expresses Hope President Will Find Solution of 'Difficult Problem'—Connally Charges 'Furore' Is an Effort to Embarrass Chief Executive

Special to THE NEW YORK TIMES
WASHINGTON, Sept. 17.—John Hamilton, Republican National Chairman, condemned partisanship and confirmed that he is not in sympathy with the Roosevelt administration, in a statement on the Roosevelt administration.

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9-18-37
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Legalizing of 'Sumners Act' Appointment Is Needed

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LONERGAN SUBMITS CHOICE TO BLACK

Resignation or Repudiation of Klan Is the Suggestion of Connecticut Senator

FLORIDA PAIR FOR JUSTICE

Schwartz of Wyoming Declares the Charge a 'False Issue'

Raised in New York

Special to THE NEW YORK TIMES.

WASHINGTON, Sept. 18.—Proof that Hugo L. Black, the new Associate Justice of the Supreme Court, is a member of the Ku Klux Klan should result in his resignation or, at least, a statement repudiating Klan principles, Senator Lonergan asserted today in a statement given out from his office.

The Connecticut Senator voted for Senator Bridges's motion to recommit the Black nomination to the Judiciary Committee, hoping that a hearing would develop the facts, but he voted later for confirmation.

"In response to inquiry by the press, I think it best to withhold judgment until Justice Black makes or authorizes a statement," Senator Lonergan's statement read.

"The rumors during debate on his confirmation that he held membership in the Klan were denied by his friends. As evidence of his tolerance it was stated that he supported Senator Bankhead in his contest with former Senator Heflin, and also supported Governor Smith in 1928.

Affirms Belief in Tolerance

"In over four years' service with him in the Senate I observed nothing that would indicate intolerance. I do not agree with some of his political philosophy. I voted for and favored the motion to recommit his nomination to the Judiciary Committee, hoping that a hearing would develop the facts. Only fifteen Senators voted for the motion. I would not knowingly vote for any one for public office who practiced intolerance.

"The first responsibility of nominations rests with the President making them. Organized labor was strong for the confirmation of Justice Black. His nomination was reported favorably by the Senate Judiciary Committee.

"If a fair hearing discloses that Justice Black is a member of the Ku Klux Klan, he should resign from the Supreme Court, or, in fairness to the President and the Senate, make a statement repudiating the principles of the Klan. If he fails to do so I think Congress should take action on the ground

of concealment of a material fact. "There is the possibility that the Supreme Court will decide that Justice Black is ineligible, due to the fact that he was a member of the Senate when the retirement act was approved by Congress."

Florida Stands by Black

By The Associated Press.

TAMPA, Fla., Sept. 18.—Florida's two Senators said today that they approved the appointment of Hugo Black of Alabama to the Supreme Court and were confident the controversy it had caused would soon die.

Senator Pepper said the Ku Klux Klan charge was a "smoke screen for an attack on President Roosevelt" and on the "liberalism in politics which Justice Black represents."

Senator Andrews added: "Senator Bankhead of Alabama hit the nail on the head when he declared the appointment was merited by service and party loyalty."

"False Issue," Says Schwartz

By The Associated Press.

CHEYENNE, Wyo., Sept. 18.—Senator Schwartz said today that attacks on Justice Black were "inspired by confirmed enemies of the present Democratic administration."

"The renewed attack on Black," the Senator declared, "was inspired by confirmed enemies of the present Democratic administration, and to aid Senator Copeland in his anti-New Deal primary fight in New York. The result of the election demonstrates the people cannot be fooled by politicians raising false issues.

"Justice Black's real offense is great ability plus uncompromising determination that the predatory powerful shall not oppress the weak and helpless."

Seeks More Like Black

By The Associated Press.

HAMILTON, MONT., Sept. 18.—Representative J. J. O'Connell said today:

"It is my sincere hope that when President Roosevelt finally reforms the Supreme Court at least four more of Supreme Court Justices Hugo Black's sterling liberalism be placed on the Court.

"Justice Black is a great progressive, who will give a liberal and enlightened view of the Constitution."

WALSH SAYS BLACK WON BY DECEPTION

Massachusetts Senator States President Should 'Demand and Obtain Resignation'

IMPEACHMENT DOUBTFUL

Norris in Nebraska Defends Alabaman — Denies Klan Membership Is Bar

WORCESTER, Mass., Sept. 22

—Senator David I. Walsh declared today that Justice Hugo L. Black of Alabama, by not "disclosing his previous membership in the Ku Klux Klan," had obtained his elevation to the Supreme Court "by deception." By his silence, Senator Walsh contended, Mr. Black had grossly imposed on President Roosevelt and his colleagues even before his confirmation.

He added that he believed Mr. Black's impeachment by Congress "improbable." Impeachment proceedings, he said, would have to originate with the House, and that he believed the most feasible way in which Mr. Black could be eliminated from the highest tribunal would be for President Roosevelt to demand and obtain his resignation.

"There is still one other possibility," Massachusetts' Senator Walsh declared, "that the Supreme Court will rule on the question of Black's eligibility. This would not be on the Klan issue, but on the constitutional provision that the act of the last Congress providing for retirement of justices of the Supreme Court disqualified any member of the Congress at the time the law was passed from accepting a place on the bench created by the retirement provision. What the Supreme Court would do with this issue no one can anticipate."

Imposition Is Charged

Mr. Walsh charged that the former Senator from Alabama imposed upon President Roosevelt and his former colleagues by "inferentially denying," through his silence, rumors of Klan affiliation which were in circulation while his appointment was pending.

The Massachusetts Senator said he feels that the issue no longer is whether Mr. Black is a member of the Klan, or whether he repudiates it openly.

"There are two counts against him," said Mr. Walsh, "one, that Black, for political advantage, joined the Klan and took the oath of a clansman and subscribed to its creeds; two, that Black obtained his nomination and confirmation by concealment and thereby deceived the President and his fellow-Senators, especially the latter, because he had knowledge that it was rumored he was a member of the Klan and supporters in the Senate denied it."

Mr. Walsh said he was in communication with a group of Senators who feel they were "misled" on Mr. Black's appointment, who he expects will record themselves at the next Congress "through some form of resolution, as opposed to Mr. Justice Black's membership on the Supreme Court bench, thereby publicly asserting through this resolution that they were misled and

deceived. "This group of Senators is of the opinion that this alone is sufficient to disqualify Senator Black."

Norris Hails Black Appointment

LINCOLN, Neb., Sept. 22 (AP).—Nebraska's veteran Senator George W. Norris returned to his home State today with praise for Justice Black.

"From my personal knowledge of Black I think it was a wonderfully good appointment," Mr. Norris said. "Even if he was a member of the Klan, there's no legal objection to that."

"I've an idea many members of the House and the Senate belong to the Klan also but that is their privilege."

Mr. Norris praised Mr. Black as "a man who is perfectly honest, with unlimited courage and very able and shrewd." He said the Alabaman was a good lawyer but was criticized because his clients "have not been corporations and monopolies."

Of the Klan issue, Mr. Norris said he did not know whether Mr. Black was a member of the "invisible empire." He, however, declared himself as bitterly opposed to the Klan.

Senator Norris said the fight to tie the Supreme Court to the people is not over yet by any means. He called for presentation of the issue to the electorate and advanced two proposals which he said would make the high tribunal more democratic:

1—Make it impossible to declare a law unconstitutional by a mere majority. This, he said, could be done without a constitutional amendment.

2—Limit, by amendment, the terms of the Supreme Court justices and other Federal judges to nine years instead of life.

Mr. Norris said he would push the fight for his bill embodying the first proposal at the next Congressional session, "if it looks as if it will stand any show of passage." He would require a majority of several votes to invalidate a law, as in his home State, where a five-to-two majority is necessary.

BLACK BOUND HOME ON SMALL STEAMER

Slips Out of London Hotel, Motors to Southampton and Boards City of Norfolk

CHANGE IN PLANS SUDDEN

Justice Canceled Proposed Visit to Ireland and Booking

for Next Week on Manhattan

9-22

Wireless to THE NEW YORK TIMES.

LONDON, Sept. 21.—After departing from London in the same silence that cloaked his visit here, Associate Justice Hugo L. Black of the United States Supreme Court today sailed for home aboard the 8,400-ton steamer City of Norfolk, which he boarded yesterday at Southampton before any one knew of his plans.

Thus the first time since the storm of controversy broke over his alleged membership in the Ku Klux Klan, he was free of the watch by London newspapers which had made him continuous front-page news.

With Mrs. Black he left the exclusive London hotel where he had been stopping, motored to Southampton and boarded the City of Norfolk, which will land him at Baltimore about a week hence. His name was not on the passenger list, and until he had left it had been thought he would hold to previous plans and sail next week aboard the United States liner Manhattan, which Associate Justice James C. MacReynolds was booked as his fellow-passenger.

Cancelled Visit to Ireland

In order to escape from publicity, Justice Black cancelled a scheduled visit to Ireland. He had already curtailed numerous planned London sightseeing trips, remaining mostly in his hotel suite. He left London greatly concerned about the situation in which he finds himself. He changed his booking from a large liner to a smaller passenger boat in order to get greater seclusion.

He is most concerned over the fact that President Roosevelt, when questioned regarding his attitude at a recent press conference, simply said he had not seen the whole series of newspaper articles about his appointee instead of making some positive statement. The upshot was that Justice Black would make no statement, at least until he had talked with Mr. Roosevelt.

His presence in London at the time the Klan membership charges broke in the United States has served to acquaint millions of Britishers who had never heard of the Klan with something of its history and modern workings. All but the most conservative newspapers here have given copious publicity to the series of articles connecting the justice with the Klan being printed in the United States. None, however, was able to print an interview with him, despite the fact that some reporters took rooms near his in the hotel on the chance of meeting him, for all the Alabama jurist would say was to reiterate that he would make no statement.

So great was the curiosity about Justice Black that his hotel took special steps to insure his desired privacy. No newspapers were delivered to his rooms, no telephone

calls were put through, and, while telephone operators took messages for him, he acknowledged few. Any handful of Londoners, became the best-known name of his Ku Klux Klan affiliation was cable the whole newspaper series among American visitors this sea-raised a month ago. about him to London so that he, eclipsing in public interest the City of Norfolk, which the might see and reply to it was never even the most prominent corona-associate justice and his wife boarded quietly at Southampton, will give him an eight-day respite from the questions of reporters, whose colleagues will be waiting for him in the United States. ABOARD THE S. S. CITY OF NORFOLK, Sept. 21 (AP).—This small ship, bound for Baltimore, ago, the two did not meet.

Black's First Opinion

The American people might well consider the Friday night radio statement of Justice Hugo L. Black as his first opinion handed down as a Supreme Court Justice.

The amazing thing about the whole matter is not that he was admittedly a member of the Alabama Ku Klux Klan. Nor is it a great surprise that a politician from that neck of the woods has revealed the moral degeneracy of a guilty public servant who would slip on the bench of the Supreme Court by a *rich* *officer*.

The real amazing fact which history may have to record for the future is that American democracy of 1937 is so spineless and the dynamics of public opinion so impotent that Mr. Justice Black, defying all decency, takes a lifetime seat on the highest court of justice in the land.

WHEN THE POLITICALLY ambitious Mr. Black joined the Ku Klux Klan fifteen years ago, it had already been tagged as the most brutally criminal, the most un-American and the most dangerous organization of bigoted gangsters in the country.

There could have been no misapprehension on his part as to its character. Its officials had openly set themselves above constituted authority. Its masked gunmen had tarred and feathered victims solely because they were either colored, Jews or Catholics. They had shot, mutilated, hogtied and hurled innocent men into lakes. They had lynched and intimidated hundreds of unfortunate victims.

Yet because of political expediency this Alabamian took membership in this nefarious organization and kept it for two years.

For the same kind of political expediency he must have resigned after being elected to the U.S. Senate.

For the same kind of expediency he apparently kept silent when the question as to his fitness for the Supreme Court was being debated by his own colleagues in the Senate.

Is there any wonder that many will believe that he has carried this same kind of expediency into his radio address, in which he admits membership, evades vital points and extolls his own virtues?

And who knows to what extent this matter of expediency, instead of abstract justice, may follow him on the Supreme Court bench?

BUT SO MUCH FOR the general issues that affect Jews and Catholics. What about Mr. Black and colored Americans?

He stated that he numbered among his friends many members of the colored race. "Certainly," he said, "they are entitled to the full measure of protection accorded to the citizens of our country by our Constitution and our laws."

But what does that mean?

There is on public record an accusation that while practicing law in Alabama he deliberately set up a court scene so that the color of a witness would become a factor in the verdict of the jury. It worked, but Friday night Mr. Justice Black made no mention of this.

Mr. Justice Black voted against the Wagner-Gavagan antilynching bill and was preparing to oppose it when the Senate adjourned. When the bill becomes a law and a test is made in the United States Supreme Court, we know how Black will vote.

His friends list eleven Jews and Catholics among those he had appointed to Federal jobs. But not one colored citizen.

There is no record of his having raised his voice in the Scottsboro case when those unfortunate lads needed "a full protection accorded to the citizenship of our country by our Constitution."

Perhaps political expediency was a factor here.

In fact his friendship for colored citizens, expressed Friday night, seems to be that peculiar Alabama brand, which can function under Jim Crow rules, which can bar colored citizens from juries and segregate them into economic exploitation.

AND WHAT OF THE liberalism upon which he rose to a high place in the New Deal administration?

Congressman Arthur Mitchell comes forward in defense of the justice on the grounds that the political opponents of President Roosevelt, the anti-New Dealers and the reactionary Republicans are using the Klan incident as a political bludgeon.

Pennsylvania's State Representative Marshall L. Shepard, takes the position that Mr. Black joined the Klan for political reasons only and that his main enemies are not anti-Ku Klux Klan leaders, but anti-New Dealers.

He stated in a speech at the City-Wide Young People's Forum in Baltimore, Friday night, that the Black minimum wage and maximum hour bill would benefit colored people more than any measure since the Emancipation Proclamation, if passed.

The position taken by these outstanding Democrats is understandable. It is the natural role of good party men.

There are some leaders, like Walter White of the N.A.A.C.P., who might have taken the liberalism of the Alabama Senator seriously, with the wish father to the thought that a new type of leader is coming out of the South.

But the tragic fact is, no all-round liberal leader who adheres to the high road of justice, fair play and equality of opportunity to all citizens without regard to race or color, can hurdle the handicaps of traditional bigotry and emerge politically alive in a State like Alabama.

Ask Senator Oscar Underwood or Judge Horton.

Only the demagogue willing to twist his political ethics to fit the political expediency of that section is likely to reach Washington. That is what Justice Hugo L. Black did.

Trust Forfeited

The sonorous phrases in which Justice Black implies that he is in accord with the Constitution's bill of rights are belied by his shameful confession: "I did join the Klan." *Call*

An official, like an individual, shows his faith by his works. The Klan's well-known terrorism makes any man who ever took its oath sound insincere when he says he desires "to stop intolerance from fanning the flames of prejudice." The Klan's prime purpose was to subvert the Constitution's guarantee of religious liberty and equality before the law. Black must have known that when he became a Klansman.

Black sold his soul to the devil of intolerance in exchange for help for his candidacy. Now an associate justice of the United States supreme court, he must pay the price of that bargain.

The Klan and the Constitution are opposite poles of thought. *It is not possible to see how a man who once denounced Negroes for being born black honestly wants to "stop intolerance from fanning the flames of prejudice" or support the Constitution and the bill of rights.*

Justice Black all but admitted that Klan membership was for him a "maneuver executed for political advantage." It is fairly apparent that his silence about membership in the Klan when he was up for confirmation was of advantage. The question naturally follows: "Does Black ever act from principle?"

Saul of Tarsus became Paul, the apostle. *Since he does not resign, we sincerely hope that Black may prove to be a just judge of the devil's price he must pay for being trusted!*

JUSTICE BLACK AND PRESIDENT ROOSEVELT

"Oh, what a tangled web we weave, when first we practice to deceive."

It looks as though the nomination and confirmation of Justice Hugo L. Black, as a member of the United States Supreme Court, has just about got President Roosevelt in a tangle, from which his administration will hardly be able to extricate itself. Just how much the President himself has contributed in bringing about this condition, we are unable to say at this time, as that depends upon whether he knew, at the time of the nomination, that Mr. Justice Black was a member of the Ku Klux Klan. If he did not know that Black was a member of the Klan, then we say, the President was deceived, either by Mr. Black himself, or by friends of the new Justice. This deception is just another tangle in the web which had its beginning when Hugo Black took the oath of the Ku Klux Klan, before a fiery cross, at Birmingham, Alabama in 1922.

The words of Shakespeare, "When first we practice to deceive..." cling to Hugo Black like "Banquo's Ghost;" they just won't down. All of his admissions and denials in his speech a few days ago, merely tighten the meshes in the web which he himself has woven. It would not be so bad if just he were caught in this web, but as a United States Senator, he evidently inveigled President Roosevelt into the web; then through "Senatorial Courtesies," sixty-three Senators found themselves in the meshes. Every effort these Senators make in an attempt to justify their voting for him, only tends to further entangle them, and now some of these Senators who voted for Black, will have some tall explaining to make to their constituents. But regardless of what Mr. Black says, regardless of what these Senators who voted for him may say, and in spite of what President Roosevelt may say, it will be hard to make the public believe that Mr. Black can wallow in the mire and slime of the Ku Klux Klan, and emerge without its contamination.

The seating of Mr. Justice Black last Monday, on the United States Supreme Court bench, does in no wise settle the question of his fitness. He is still in the web, and it looks now as though everyone who goes to his rescue, finds himself entangled also. If permitted to retain his seat, the whole situation becomes worse. "No man can serve two masters." And while it is true that Black has taken the oath of the office as Associate Justice, it is also true that he has taken the "bloody" oath of the Ku Klux Klan. If, while sitting in his official position, the case of a Negro, a Jew or Catholic comes before him, will Hiram Evans or some of his brother Klansmen whisper in his ear (this is very likely) and remind him of his bloody oath? There again he is confronted with the "Oh, what a tangled web we weave, when first we practice to deceive."

As a Justice of the Supreme Court, every act, every decision he writes, will be subject to the speculative mind of the public. The klan and anti-klan forces will lock horns again. The public will look upon the other Justices, including the Chief Justice, as regular men; but it will look upon this latest addition to the Court as a "black sheep." Wherever Justice Black goes, curious people will vie to get a look at this strange sort of man, who is a member of the United States Supreme Court. All of which shows that he

is a misfit, and has no rightful place as a member of the highest legal tribunal of the United States.

HAS THE KLAN LYNCHED JUSTICE HUGO L. BLACK?

Justice Black is accused on every hand of having a life membership in the Ku Klux Klan. Perhaps he has. The affair has smacked largely of comedy and error; but the comedy has been broad and farcical, the errors tragic. *9-25-37*

The Klan issue was raised but the protesting few were spilled aside in the congressional rush to go home. Perhaps it was taken for granted that little question would be placed upon the new justice, inasmuch as little has been placed upon other senators said to have or to have had Klan membership.

Already tried and generally convicted in the public press, the newest high court member has said nothing; President Roosevelt has said nothing. What does this silence mean? What is the significance of the statement made by Justice Black's nephew?—"He gave a statement regarding this man appear hasty, shall we say instead they haven't seen fit to make it public yet."

Whatever the outcome, whatever your opinion, this one thing is certain: colored persons who rushed headlong to endorse this man appear hasty, shall we say instead of ridiculous — (or is there a colored Klan contingent newly organized?) A great lesson is held in the Black case for all politicians: joining moves as political expediency can bring home all the accumulated evils met on a 'boomerang' trip. Justice Black appears to be a victim of black justice. It seems to be the other side of the lynch law — an equally devastating.

By RAY SPRIGLE

In The Pittsburgh Post-Gazette
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BIRMINGHAM, Ala., Sept. 16—
"Today, throughout the Old South the scattered remnants of the shattered Klan are stirring into new and vigorous life with the realization that a loyal son of the hooded order has won a place in the highest court in the land."

"By grace of the New Deal the Invisible Empire has been born again. Once more the aulic, the royal court of the Imperial Wizard in Atlanta, where Hiram W. Evans, deserted by his Dragons and his Titans and his Terrors, was sat in decaying loneliness. These many years, has become the seat of a reborn and a growing Empire."

"Once more silver-tongued and persuasive Kleagles are proselyting throughout the Old South. Old time Klansmen are coming back into the fold, their apostasy forgotten. Converts from a newer generation are being naturalized into the realm of the secret empire of the shadows."

"Florida now boasts a Klan membership of 30,000, many of these thousands recruited since the New Deal bestowed upon Hugo Black the sombre robes of a Supreme Court Justice to hang beside his Klansman's robes of white in the Black family closet, when the Klansman-Justice is neither klucking or justicing."

"The Birmingham Alabama Klan is swamped with applications for membership at each of its regular Thursday night meetings. In Atlanta Klansmen are flocking back to the standard of the fiery cross by the hundreds. Old time Kleagles throughout the South are wiring and writing to the Imperial Wizard's aulic in Atlanta, sending in their old commissions, creased and smutted with the neglect and dust of years, begging to have them renewed."

"Once more the Klan is proudly on the march, preaching its creed of racial hatred and religious bigotry but this time with a brand new slogan."

"Klansman sits on the Supreme Court of the United States. JOIN THE KLAN."

Text Of Black Address

WASHINGTON, Oct. 1.—(AP)—The text of the address tonight by Associate Justice Hugo L. Black of the Supreme Court:

Ladies and gentlemen:

The Constitution is the supreme law of our country. The bill of rights is the heart of the Constitution.

The constitutional safeguard to complete liberty of religious belief is a declaration of the greatest importance to the future of America as a nation of free people. Any movement or action by any group that threatens to bring about a result inconsistent with this unrestricted individual right is a menace to freedom.

Let me repeat:

Any program, even if directed by good intention, which tends to breed or revive religious discord or antagonism, can and may spread with such rapidity as to imperil this vital constitutional protection of one of the most sacred of human rights.

I believe that no ordinary maneuver executed for political advantage would justify a member of the Supreme Court in publicly discussing it. If, however, that maneuver threatens the existing peace and harmony between religious or racial groups in our country, the occasion is not an ordinary one. It is extraordinary.

During my recent absence on a short vacation abroad, a planned and concerted campaign was begun which fans the flames of prejudice and is calculated to create racial and religious hatred. If continued, the inevitable result will be the projection of religious beliefs into a position of prime importance in political campaigns and to reinfect our social and business life with the poison of religious bigotry. It will bring the political religionist back into undeserved and perilous influence in affairs of government. It will elevate the least worthy to political positions because religion or race bars others from a passport. It will resurrect practices and arguments from which this country suffered sorely in the nineteen-twenties. It will revive the spirit which, in 1928, caused a national campaign to be waged largely upon issues unworthy of a free people. It will bankrupt many business men whose sole offense is that they have religious beliefs which do not accord with the prevailing religion in their communities. It will punish the professional man whose patients and clients boycott him, not because of lack of professional ability, but because there are in his locality few members of his faith or his race. It will again set neighbor against neighbor and turn old friends into new enemies.

To contribute my part in averting

such a catastrophe in this land dedicated to tolerance and freedom, I break with precedents of the past to talk with you tonight.

An effort is being made to convince the people of America that I am intolerant, and that I am prejudiced against people of the Jewish and Catholic faiths, and against members of the negro race. These insinuations are advanced despite the fact that, for the last 11 years, I have served in the Senate of the United States under constant and microscopic public scrutiny.

My words and acts are a matter of public record. I believe that my record as a senator refutes every imputation of racial or religious intolerance. It shows that I was one of the group of liberal senators who have consistently fought for the civil, economic and religious rights of all Americans, without regard to race or creed.

Admits Joining Klan

The insinuations of racial and religious intolerance made concerning me are based on the fact that I joined the Ku Klux Klan about 15 years ago. I did join the Klan. I later resigned. I never rejoined. What appeared or what appears now, on the records of the organization, I do not know. I never have considered and I do not now consider the unsolicited card given to me shortly after my nomination to the Senate as a membership of any kind in the Ku Klux Klan. I never used it. I did not even keep it.

Before becoming a Senator I dropped the Klan. I have had nothing whatever to do with it since that time. I abandoned it. I completely discontinued any association with the organization. I have never resumed it and never expect to do so.

At no meeting of any organization, social, political or fraternal, have I ever indicated the slightest departure from my steadfast faith in the unfettered right of every American to follow his conscience in matters of religion. I have no sympathy with any organization or group which, anywhere or at any time, arrogates to itself the un-American power to interfere in the slightest degree with complete religious freedom. No words have ever been or will ever be spoken by me, directly or indirectly, indicating that any native or foreign-born person in our free country should or could be restricted in his right to worship according to the dictates of his conscience. I have supported candidates for public office without reference to their faith. In my endorsement of applicants for governmental positions, I have acted without discrimination of any kind or character. I number among my friends many members of the colored race. I have watched the progress of its members with sympathy and admiration. Certainly they are entitled to the full measure of protection accorded to the citizenship of our country by our Constitution and our laws.

Some of my best and most intimate friends are Catholics and Jews. Shortly after I moved to Birmingham, I formed one of the most valued friendships of my life with a son of Catholic faith. He was one of my closest associates and strongest political supporters. Months of our lives were spent together, much of the time in his home. He stood so nearly in the place of a father to me that while in the army in 1918 I designated this trusted Jewish friend as sole executor of my will. In my campaigns for public office his counsel and assistance were always mine. His widow, who was a guest in my home at the recent inauguration of President Roosevelt, was one of the first to congratulate me upon my nomination to the Justice of the Supreme Court.

When this statement is ended my discussion of the question is closed. I believe the character and conduct of every public servant, great and small, should be subject to the constant scrutiny of the people. This must be true if a democracy serves its purpose. It is in this spirit that I now bid those who have been listening to me goodnight.

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JUSTICE BLACK

Hearings Upon Nominees For

Bench Asked

Bar Association Still Shuns Mention Of Black Dispute

KANSAS CITY, Oct. 1.—(AP)—The American Bar Association today demanded full, public hearings by the Senate on all judicial nominations — a last-minute compromise on a week's agitation for some expression on the Justice Black question.

The adopted resolution did not name Justice Hugo L. Black nor did it take cognizance of proposals for an investigation of the Black appointment or a general condemnation of judicial membership in secret, oath-bound orders. But the lawyers made it plain on the floor of the convention that their action was prompted by the Black appointment.

When the heated debate had subsided and both the Bar's assembly and house of delegates had acted, the expression amounted to this:

"Resolved, that the American Bar Association petition the Senate of the United States to establish a rule requiring every nomination for judicial office to be referred to an appropriate committee and providing that such committee shall conduct a full public hearing upon matters touching the fitness and qualifications of the nominee for judicial office."

The association instructed that the resolution be placed before Congress or the opening day of its next session.

Thus, as the convention's final official action, came the end to a question that appeared at Monday's opening session and ran as an undertone through the entire meeting, coming to the surface yesterday to split the assembly over an attempt to drop the whole matter of Black's appointment.

Contrasting with yesterday's parliamentary haggling over the question, today's substitute went through the assembly in a noisy five minutes and in less than an hour had been ratified by a quiet, perfunctory vote of the house of delegates — highest legislative body of the association.

A floor squabble today came over the fact the resolution as finally reported did not include the word, "public" but Chairman L. B. Day inserted it and the resolution went through without resistance.

Robert Lee Tullis, 73-year-old former law dean at Louisiana State University, made a quiet protest against ignoring his request for a public expression on "the latest appointee to the Supreme Court," but was ruled out of order.

It was Tullis who tossed the Black question into the convention at the outset.

An Anglo-Saxon At The Bar

Mr. Justice Black made the most of his opportunity to reach what was probably the most interested radio audience that any man has addressed since King Edward VIII spoke his historic lines following his abdication. It is possible that a larger radio audience heard Mr. Roosevelt's second inaugural address, but there was little popular curiosity as to what he would say upon that occasion, at least, there was no suspense.

It is, then, no exaggeration to say that more people were interested in hearing Hugo Black's address to the American people than have been interested in any radio address since The Abdication. Not alone were the American people eager to hear what the Justice had to say in defense of his name, but the English-speaking world listened in. It was the most dramatic moment in the life of the Alabamian whose rise to great eminence has been spectacular and rapid.

Mr. Black has been harshly criticized for his long silence in face of universal demand for a reply to the recent attack upon him. The Advertiser does not sympathize with this criticism. After all, something more was involved than the avid interest of the American people in his answer to the legitimate, if painful, question which had been asked him.

The honor of Mr. Black was involved, and the prestige of the Roosevelt administration was involved. The peace of mind of the American people was involved. Mr. Black appreciated the gravity of his responsibility and we think he was justified in choosing his own time and place to speak, for whatever words he chose to use would in the end be fateful words. At last Mr. Black was satisfied with the statement he had to make and he chose to release it at once over the world's radio stations and in the world's newspapers. In all the circumstances that was the intelligent and proper thing for him to do; it was the dignified thing to do. He could

thus speak his carefully composed defense in person with the assurance that all that he said would be quoted textually by the newspapers, without risk of error. Naturally the Justice wished to reach the largest possible number of people.

In London Mr. Black was seeking rest and fun with his wife. It was the first time they had ever been abroad. They were out for a holiday and it is but natural that when he first heard of the new onslaught he should have discounted it and rated it as unworthy of formal notice. He thought he should be left free to enjoy his adventures in the old world since he would have ample opportunity to have his say upon his return home.

It is probable that Mr. Black was not in position to know in London just what had occurred in America. He waited until he could return and appraise the situation. Plainly he was at a disadvantage due to his absence from his country. We now think he was wise to withhold comment until he could return home.

Now he has spoken. We believe that he has cut the ground from under his critics and enemies. After all the enemies that Hugo Black made as a Senator came to hate him, not because he was once a Klansman, but for quite other reasons. If he as a Senator had so deported himself as to delight the souls of his present enemies, not one of them could ever have generated any interest in his career as a Klansman back in the days of his youth and first great ambition.

Most of the people who hate Black today do not give a hoot whether he was a Klansman or a Hottentot in 1925. They hate him because of what he said as a Senator, when no longer a Klansman, about social and economic conditions. They hate him because he has been a Rooseveltian and because Roosevelt appointed him to the bench.

They care nothing about his private convictions regarding racial, and religious tolerance. What they are interested in is money.

These enemies merely thought that they had caught Hugo with a hood on, and so they made the most of their opportunity. If they had had any sense they would have dug upon these Klan graphs and pictures

when Black first became a pain in their social and political reformer. necks—years ago when he began to qualify as Thomas J. Walsh's successor as the best inquisitor and prosecutor in the United States Senate. They dug up stuff after Black's appointment to the court which they might have found years before, since most of what they found in the end was more or less common knowledge in Alabama 10 years ago.

If as a Senator Hugo Black had lacked the pride to be nothing more than a mere Copeland, and so a natural foe of every generous impulse that made the Humanitarian of the White House the first conqueror of all the people since George Washington, Paul Block, whose newspapers recently shot their arrows into the flesh of the peppery, and sometimes too cocky, Alabamian, would today be chief among Hugo's sycophantic Coldstream Guardsmen.

William Randolph Hearst, the fascist, hates Hugo Black as he hates no other recent Senator—but not because Hugo as a sub politician in a wayward State once put on a hood and learned to misspell proper nouns.

To The Advertiser's knowledge Hearst once challenged the Ku Klux Klan in Georgia, and after feeling the steel of the monkey soldiers of the Invisible Empire, curled up and quit. He ran like a scared rabbit. The Atlanta Georgian, then managed by the late Buford Goodwyn, one of the greatest newspaper men that the South ever produced, once attacked the Klan in Georgia.

Because Goodwyn, his Atlanta publisher had attacked the Klan when it was strong in Georgia, Hearst found a pretext to retire Goodwyn as publisher.

He had to pay Goodwyn his large salary for many months after he was retired, but he abandoned the fight upon Ku Kluxism that this gallant Southern journalist, believing that his employer was a bold and dauntless man, began in all good faith.

Goodwyn made his onslaught, Hearst shivered, and poor Goodwyn was out.

From that day till this The Atlanta Georgian has seemed innocent of sin in the eyes of all genuine Klansmen, most of whom, we dare say, have only disdain for Hearst, who had made his early reputation as a

The Advertiser, a smaller paper than any that Hearst owns, clinched with the Klan when it was all-powerful in Alabama and stayed in the fight until the kill which came with Miller's election to the governorship in 1930.

The Advertiser did not curl up and quit when the going was rough, but Hearst did, and Block would have done so.

We mention this now only because Block and Hearst have lately joined hands in smearing Hugo Black on the ground that he was once a Klansman and so in other days was frequently condemned and jeered by The Advertiser, yet today The Advertiser is not disturbed that he is on the Supreme Court bench.

It is a suitable occasion for The Advertiser to express formally its contempt for Mr. Block and Mr. Hearst, as anti-Klan leaders and foemen of Hugo Black. They are hypocrites and frauds, whatever may be the faults that they and others find with Hugo Black. It is Hugo's suspicion of the money power that alienated Block and Hearst—not his robe.

The Advertiser is sorry, it has long been sorry, that Hugo Black was once a member of the Klan.

It is glad that he remained in the Klan but a short while and then resigned.

It is glad that he can now say that he has not been a Klansman since his resignation before his election to the Senate.

It is delighted that at this critical hour he can disavow every evil thought that the Klan ever entertained.

It is proud to record that Mr. Black in affirming his allegiance to the principle of racial and religious tolerance made one of the noblest confessions ever uttered by an American statesman.

His profession of faith in a basic principle of American life is a model of English prose and an example to every libertarian on earth.

Not since Jefferson, Madison and Mason has a better creed for lovers of freedom been fashioned by any man in a position of power.

This pledge of fealty to the principles of common decency leaves Black's critics helpless, and so is worthy of the best in Anglo-Saxon statesmanship.

Charleston, S. C. News & Courier
October 1, 1937

Essentially Kluxy

When the gents who call themselves "liberals" begin to talk about the South they usually say something funny, as this from The New Republic defending and attacking the Black appointment at the same time: "We might remember that in Alabama in 1923 joining the Klan was much like what joining the Rotary or Kiwanis or the Lions is in some midwestern town. If you didn't, you were just nobody, and this was especially true for the politicians."

In Alabama the late Oscar Underwood did not join the Klan. He denounced it and that was before Alabama supported him for president. Neither of the Bankhead brothers, nor the senator and speaker, joined it. Grover Hall, editor of The Montgomery Advertiser, opposed it. So did many another newspaper.

The fact is that the only kind of politicians in the South who joined the Ku Klux Klan are those of a feather with The New Republic except on religious and racial questions, the kind whose language it can understand. Toward Southerners of the Bankhead kind The New Republic entertains much the same animosity that the Kluxers nurse against their special objects of distrust.

If The New Republic would be for a moment confidential with its friend The News and Courier it would whisper that all Southern "bourbons" should be deprived of all part in government. Now wouldn't it? And few of the "bourbons" were of the Kluxers.

The New Republic is a class publication and therefore essentially Kluxy

'SHODDY RECORD'

A reporter asked Black during the Senatorial campaign if he were a member of the Klan. He replied that he was not—and technically he wasn't. He had resigned to make the race, but after the election, he attended the meeting described above and was made a life member with a gold card!

All of which merely reinforces this paper's belief that the shoddy record assists in making the gentleman a hell of a spectacle as a justice of the Supreme Court of the United States—Dothan Eagle.

Knoxville, Tenn. News Sentinel
September 15, 1937

Negroes, Catholics, Jews Endorse Black, Despite Ku Klux Klan Claims

BY ROBERT W. HORTON
Scripps-Howard Staff Writer

WASHINGTON, Sept. 15—Justice Hugo L. Black was endorsed enthusiastically by Alabama Catholics, Jews and Negroes upon his appointment to the Supreme Court. His friends here said today in discussing published reports of his alleged affiliation with the Ku Klux Klan.

Many congratulatory messages were received at his office at the Capitol after his appointment was announced, some of them mentioning the Klan issue and assuring the former Alabama senator that the writers were not disturbed by it.

Among messages received from Catholics was one from William S. Pritchard, past state commander of the Knights of Columbus. "Accept my sincerest congratulations on your appointment to the Supreme Court," Mr. Pritchard wired.

Was Always Fair

Herve Charest, an officer of the Mobile council of the Knights of Columbus sent Justice Black the following communication:

"Please allow me to join with other of your friends to offer my sincere congratulations to you on the occasion of your appointment to the Supreme Court bench. This is one appointment that our President never will regret as I know that you will enter your new duties and discharge them with the same ability and integrity that you have done in the Senate."

John W. O'Neill, also writing from Alabama, said: "I desire to endorse your elevation to the Supreme Court and state that U. S. Sen. Hugo Black has never demonstrated Klan prejudice in Alabama or shown any but a fair spirit toward members of the Roman Catholic Church in Alabama. I was the first grand knight of the Knights of Columbus in Alabama and served two terms as district deputy for Alabama of the Knights of Columbus."

Negroes Back Him

Negro organizations, both in and out of Alabama, were represented among the new justice's well-wishers, President F. D. Patterson of Tuskegee Institute, Negro college, wired: "Join with your many

friends in Alabama and over nation at large in congratulating you upon signal honor bestowed on you. We wish for your every success.

The National Association for the Advancement of Colored People, through Walter White, its executive secretary, congratulated the new justice. The NAACP, which has taken an active part in defense of the Scottsboro boys, one of whose appeals will come before the Supreme Court this fall, wrote: "Congratulations on your confirmation. I for one am confident that in all issues which may come before you as an associate justice of the Supreme Court, especially issues affecting the rights of the Negro and other minorities, you will bound your critics by taking not only a liberal but the broadest interpretation of the due process and equal justice clauses of the Constitution."

A Negro, who had worked for Justice Black many years ago, added his sentiment in a crude note which said: "I'm the only Negro I guess to send you a note of congratulation but, Senator, years ago I used to serve you in Birmingham and I always have been a worshipper of yours."

Jews Endorse Black

Among the indorsements from Alabama Jewry were a number from men who were said to have been friends of the senator for 20 years or more. He also received one from a former Alabama rabbi, Dr. Morris Newfield, who, with his wife, wired the senator: "Congratulations. Your nomination to the Supreme Court is well deserved recognition of your great ability and sterling character."

Joseph W. Loveman, prominent Alabama business man, sent the following message: "Dear Hugo: I rejoice with your many friends in the honor that has been conferred upon you. May God spare you for many years of health, happiness and service."

A fourth minority also was heard from in a letter from Dr. H. A. Elkourie of Birmingham, who is president of the Southern Association of Assyrians. Dr. Elkourie wired: "Hardy and sincere congratulations from one of your truest friends."

Supreme Court Decision Assures Black Bench Job

By Scripps-Howard Newspaper Alliance

WASHINGTON, Sept. 15 — A unanimous verdict of the U. S. Supreme Court handed down only five years ago, bars the Senate from any attempt to rescind its confirmation of Justice Hugo L. Black.

The Senate changed its mind about confirming George Otis Smith as a member of the Federal Power Commission in 1930 and went to court to argue its right to do so. But it lost.

Justice Brandeis wrote the unanimous opinion for the last tribunal admitting that it constituted "a serious and delicate exercise of judicial power."

President's News Good In Illinois

Sabath Tells Executive Public Reaction Upon Black Row Favorable

First Speech Made

Clinton, Iowa, Gathering

Hears Roosevelt Greeting In Stop During Trip West

By JOSEPH H. SHORT

ABOARD ROOSEVELT TRAIN EN ROUTE TO SEATTLE, Sept. 23.—(AP)—Illinois Democratic leaders gave President Roosevelt reports at Chicago today on what they described as popular reaction to Justice Hugo L. Black's alleged membership in the Ku Klux Klan.

Representative Adolph J. Sabath (D), Illinois, told newsmen he brought Mr. Roosevelt good news. "I assured him the people are with him," the chunky Sabath said as he left the Chief Executive's special train on Chicago's West Side.

The train sped on to the Mississippi

River for Mr. Roosevelt's first rear platform appearance at Clinton, Iowa. Clinton was suddenly inserted at the top of the President's schedule as the special left Chicago. Nine States were listed for presidential appearances on the cross country tour that will take him to Seattle and Victoria, British Columbia.

Waving and smiling to the station crowd at Clinton, the President said he was making "another trip of inspection."

"I've made one every year for the last four years," he added. "I want to see how things are getting on and I should say from what I have seen they're getting on pretty well."

He was happy to see, he said, that the midwestern corn was "a lot better than last year" and a "little bigger" than the Dutchess County (New York) corn.

Mrs. Roosevelt, who appeared with the President, said she was happy "to see you all." Representative Jacobson (D), Iowa, introduced Mr. Roosevelt as "our great President."

The Illinois party leaders boarded the train as it entered Chicago from the East and rode across town. The party included Gov. Henry Horner, Mayor Edward J. Kelly, of Chicago; Senator William H. Dieterich (D), Illinois, and P. A. Nash, Democratic national committeeman for Illinois.

Gov. R. L. Cochran, of Nebraska, came aboard with them and remained for the ride across his State tonight.

Mayor Kelly said the Black matter was referred to jokingly in his conversation with the President, but Sabath declared he made a quite serious report.

"While a great many people think it has been bad publicity, nothing has done more good to eliminate the Ku Klux Klan," the congressman said he informed Mr. Roosevelt. "It has killed the Klan."

Sabath added that he had assured the President "the people recognize they are wrong." Only two of the eight speakers for the minority plank were from the South.

Senator Dietrich said his visit with the President was "social." He told newsmen the Klan was not important in Illinois politics.

Gov. Horner reported his conversation concerned the problem of relief and unemployment in Illinois.

When the Illinoisans had departed, the President sat in the sun beside a window in his car while photographers snapped pictures.

Throwing back his head in characteristic manner, he laughed and counted the "pops" of the flash bulbs.

Mr. Roosevelt did not protrude his head. Early in his speech he said he was vacationing on the Great Lakes.

ALABAMA VOTE OPPOSED KLAN

1924 Convention State's Delegates Took Stand

For Tolerance

Alabama had a chance to be counted on the Klan side during the 1924 Democratic national convention in New York City. The majority of the resolutions committee (chairman Homer S. Cummings) reported a plank upholding religious liberty and condemning "any effort to arouse religious or racial dissension." Fourteen of the 54 members of the committee submitted a substitute plank pledging the Democratic Party:

To oppose any effort on the part of the Ku Klux Klan or any organization to interfere with the religious liberty or political freedom of any citizen, or to limit the civic rights of any citizen or body of citizens because of religion, birthplace, or racial origin.

In favor of the majority plank spoke: Senator Owen of Oklahoma, Governor Morrison of North Carolina, J. Y. Sanders of Louisiana, and William Jennings Bryan of Florida. The Bryan speech concluded: "We can exterminate Ku Kluxism better by recognizing their honesty and teaching them that they are wrong." Only two of the eight speakers for the minority plank were from the South.

The anti-Ku Klux Klan plank was defeated by five votes.

Alabama, by alphabetical position, was the first state to vote on the minority plank. She had a presidential nominee in Senator Oscar W. Underwood, who dominated the Alabama delegation. (It was understood that he had declined an offer by President Harding for nomination to the Supreme Court.) Underwood was anti-Klan, and Alabama's entire vote of 20 was given for the minority plank. No other Southern state voted for the minority plank.

Underwood retired from the Senate in 1927, and was succeeded by Hugo L. Black, who had not been a member of the Alabama delegation to the 1924 convention. At the 1928 Democratic convention at

Houston, to which also Black was not a delegate, Alabama gave only one of her 24 votes to Smith.

Supreme Court May Decide On Justice Black's Eligibility

WASHINGTON, Sept. 27. — (AP) — The capital speculated tonight on the possibility that a suit by Albert Levitt, former Federal judge in the Virgin Islands, will determine whether Hugo L. Black retains his seat on the Supreme Court.

Some observers expressed belief the court might agree next week to consider this litigation, which it could pass upon without taking any formal notice of the charge that Black is a Ku Klux Klansman.

If the case were taken up by the court, two of those deciding it would be Jews — Justices Brandeis and Cardozo — and one a Catholic — Justice Butler.

No one here pretends to know for certain the outcome of the controversy aging about the new justice, who is scheduled to land Wednesday at Norfolk, Va., after a European vacation.

The pending petition against seating pointing out that the Constitution bars members of Congress from positions they make more remunerative.

The former judge also contended that the retirement of Justice Willis Van Devanter last June did not create a vacancy for Black to fill. He said it would be necessary for Van Devanter to resign.

Levitt is expected to read his petition, or to have the clerk of the court present it when the tribunal begins its new term next Monday. Chief Justice Hughes and his colleagues then will decide what disposition to make of it.

Under normal procedure they would consider it some time next week, along with the large number of other petitions filed during the Summer, and announce a decision on Oct. 11.

If Levitt were refused permission to file his complaint, that would end the matter. But if permission were granted the court could order arguments on the issue, after which it could announce a final decision. Black presumably would be represented by counsel.

Whether the new jurist will confer with President Roosevelt regarding the charges of Klan affiliation still is a subject of conjecture.

The President is in the Far West and will not return to Washington until after the court convenes. However the telephone or other methods of communication could be used.

Another unanswered question is whether Black will attempt to take his seat Monday.

Black is not based upon allegations of Klan affiliation but upon technical grounds. In fact, it was filed before publication of the charges that the justice is a life member of the Klan.

Levitt, who filed it, resigned as special assistant attorney general a few weeks ago because, he said, he had been asked to quit for opposing the Roosevelt court reorganization proposal. Atty. Gen. Cummings denied that was the reason he left the department.

In his petition, which is merely a request for permission to file a formal

complaint, Levitt contended that Black is constitutionally ineligible for the position because he was a member of the Senate which allowed justices of 10 years' service to retire at \$20,000 a year after reaching the age of 70.

The retirement law increased the emoluments of the office, Levitt argued.

Bar Enlists Public In Its Court Fight

President Stinchfield Of
American Association
Voices Broad Appeal

Sees 'Persecution'

Calls Black A Sample Of
What Roosevelt Would
Use In Packing Bench

KANSAS CITY, Sept. 26 (AP) — Frederick H. Stinchfield, president of the American Bar Association, appealed today for nationwide public support of the legal profession "in opposing the present administration, and particularly its apparent determination to destroy the Supreme Court."

The Minnesota lawyer spoke on the eve of the bar's convention which seems certain to bring up the court reorganization controversy before a distinguished assemblage of governors, United States Senators, and court judges.

Stinchfield called for manifestation of public "faith" in lawyers, saying President Roosevelt possessed what seemed "to amount to a hatred of the legal profession."

He asserted that any struggle which might arise between the President and the law profession would be unequal because the President has "quite unbelievable powers."

"There is little he cannot do if he chooses to exercise all his powers," Stinchfield said.

"On very many occasions the President has expressed what seems to amount to a hatred of the legal profession," Stinchfield said.

"One must believe that this hatred arises out of the fact that the lawyers are the ones as to whom he finds the greatest difficulty in controlling, either by persuasion or orders, their thoughts and their actions."

"If lawyers were seeking selfish ends," Stinchfield said, "they could

not but wish a continuance of these radical tendencies of the present administration in order that there might be a continuance of this legislation which results in so much employment for lawyers.

"You may ask any accountant or any businessman for information as to how much he must employ lawyers nowadays as compared with what he employed before the de-firmed. Thus he gained one of the highest positions in the land by the development of the innumerable false pretenses. He should resign."

Worcester, Mass., TELEGRAM (Republican): "Hugo L. Black, newly created justice of the United States supreme court, last night made perhaps as good a plea in his own defense as could be made under the circumstances. But it remains the plea of a man who was caught with the goods."

CLEVELAND PLAIN DEALER: "His public repudiation of his former colleagues comes too late to justify his acceptance now as a member of the supreme court. He goes tagged to his judicial post. He ought to resign."

LOS ANGELES TIMES: "... He uttered words in conflict with established fact. And ... he managed to contradict himself damningly. His prefatory statement concerning the importance of religious freedom and the invincibility of the guarantees in the bill of rights was well enough, and himself his judgment of Mr. Black could be considered forthright and but it is evident that is the kind of proper if his sincerity was not man the President intends to place open to question."

THE RALEIGH NEWS AND OBSERVER (Democrat): "Most Americans will be prepared to forget a Klan membership six years behind a senate service devoted to the welfare of all the people, white, black, Protestant, Catholic, Jew. It is too well known that many essentially good men foolishly aligned themselves with this now fortunately defunct organization."

NEW YORK HERALD TRIBUNE (Republican): "Mr. Justice Black's whole conduct since the charges of Klan membership were brought against him has been that of a coward. ... He has now added new association constitution adopted the vice of hypocrisy to his record of evasion. ... It is now for President Roosevelt to speak. The country has been patient and ready to believe that he acted hastily and without due knowledge."

NEW YORK TIMES (Independent): "... Regardless of the present views he holds, and his affirmation of faith in the principles of racial and religious tolerance, it is a deplorable thing that a man who has ever taken the oath of allegiance in a sinister and destructive organization should now take his place on the highest court of justice in this country. ... The nomination was a tragic blunder."

Senator Edward R. Burke, of Nebraska, Arch Democratic foe of the Supreme Court proposal, will address the convention Thursday night.

Discussing revisions embodied in a new association constitution adopted last year at Boston, President Stinchfield said the bar association was "becoming more Democratic instead of autocratic, which seems to be the current political trend."

Two Papers Call For Resignation, Another 'Says Caught With Goods.'

10-2-37

By the Associated Press.

Press comment last night of Justice Black's address contained many bitter statements. Samples follow:

BOSTON POST (Independent Democrat): "One who associates with bigots, bids for their support, takes the bigots' oath and then is

NEW YORK'S POOR FISH

Ham Fish, Republican representative of a blue blood district in New York, was a great football player at Harvard and a gallant soldier in France, but as a political leader he is dumb, shallow and even malevolent.

A few days ago, commenting on the Black-Klan storm, he suggested that the Klan affiliations of other "Southern" politicians be inquired into, ignoring the fact that in its heyday the Klan was stronger in Ohio, and Indiana than in any Southern State.

Not content with this slur Fish gratuitously mentioned the names of Senator John H. Bankhead and Speaker W. B. Bankhead. He said he wouldn't be surprised to learn that at one time they were Klansmen.

This was an outrageous thing to say unless Mr. Fish had something more than a suspicion to support his prejudiced opinion.

Naturally the insinuation was promptly denounced. Speaker Bankhead says that he not only was never a Klansman, but that he was never invited to join the order.

Senator Bankhead might, if he had cared to do so, have pointed to the record to show that at the height of the Klan's power in Alabama he publicly condemned it in one of the most forthright statements ever written by an Alabama politician with reference to the Klan.

Fish has a personal grudge against Speaker Bankhead and is also a pathological Republican whose intellectual scope leaves much to be desired in a public man who is as brazen as he has long been known to be. He is just a big, beautiful ox flying the colors of a proud and famous family.

It was equally nasty and stupid of Fish to say in his most recent interview that in his opinion the President is going West to 'avoid' a personal interview with Hugo Black, who in a few days will return from Europe.

Every newspaper reader knows that the President's Western trip was planned weeks before Black's confirmation as associate justice. New York's poor Fish knows it—that is, if he knows anything.

Black Talks From Home Of Claude Hamilton, Jr.

Mr. and Mrs. Claude E. Hamilton, Jr., from whose home in Washington Associate Justice Hugo L. Black made his radio address last night, are well known in Montgomery and throughout the territory.

Mr. Hamilton is a former mayor of Greenville, Ala., and recently was named as chief general counsel for the Reconstruction Finance Corporation in Washington. Claude E. Hamilton, Sr., father of the newly appointed associate justice's host, is a prominent south Alabama attorney with offices in Greenville, Brewton and Bay Minette.

Mrs. Hamilton was formerly Miss Margaret Beauchamp of Montgomery. They were married at the Trinity Presbyterian Church of this city.

Since returning to Washington from a recent European tour, Justice Black has spent several days at the home of Clifford Durr, son of John W. Durr, well-known wholesale druggist of Montgomery.

Black Returning Homeward Still Shielded From Reporters

ABOARD THE S. S. CITY OF NORFOLK, Sept. 21.—(P)—This small ship, bound for Baltimore, Md., night afforded Supreme Court Justice Hugo L. Black the privacy he has demanded since the question of Klux Klan affiliation was raised a month ago.

The City of Norfolk, which the associate justice and his wife boarded quietly at Southampton at the last minute, will give him an eight-day respite from the questions of report-marriage, Cutler Smith, expressed here for him in the United States.

In London, he steadfastly refused to comment on reports that he is a member of the hooded Klan and or attacks made against him by United States Senator Royal S. Copeland (D), New York, and David I. Walsh (D), Massachusetts, both of whom raised the Klan issue.

Mr. Justice Black secluded himself in his hotel room there and asked that visitors and telephone messages be kept from reaching him. Aboard ship also, he asked officers to assure his privacy.

He boarded this slow 8,400-ton liner two minutes before its gangplank was pulled up at Southampton yesterday.

So far, the newly appointed associate justice has issued only one statement since the Klan issue was raised, charging "press persecution."

He had wandered freely through London sightseeing until yesterday when, apparently, he abruptly changed his plans and sailed for home, cancelling previous reservations aboard the United States liner Manhattan.

The change was made after the Manhattan reservations had become known. Mr. Justice Black and Mrs. Black sped from London to Southampton by automobile just in time to board the Norfolk.

Fish Says Roosevelt Running From Black

WASHINGTON, Sept. 21.—(P)—Representative Fish (R), New York said today that President Roosevelt took courage to fight the Klan. On impending western tour is a "studie attempt" to avoid meeting Supreme Court Justice Black before the latter takes his seat on the Supreme Court bench.

Termining published accounts of Justice Black's initiation into the Ku Klux Klan "so specific and damning that in view of the senator's (Black's) silence they must be accepted as authentic," Fish continued.

"The President is solely responsible for the appointment and cannot evade the issue by remaining silent or running away from it."

is alleged, took an oath to persecute his fellow citizens merely to win a political position. There were other men in Alabama, politicians as well as editors, who were offered the same temptation, but chose to fight against great odds often fraught with physical danger. There was a test of character there, and although Black plainly revealed his character, Mr. Roosevelt placed him on the court nevertheless.

When Klan Was Strong
The Klan has been discredited so long that most of us have forgotten the reality of the organization from which Mr. Roosevelt has selected a man to liberalize the supreme court.

Your correspondent has a letter today from a man who was editor of a paper in Alabama when the Klan was all-powerful there, which recalls the atmosphere of the time. He says there never was any doubt that Black would have been defeated for the senate if he had shown the same principle and courage that better and braver men displayed in going to political defeat.

"Black," he writes, "was a little Birmingham lawyer who had won his chief fame by successfully defending an itinerant Methodist minister who shot and killed a Catholic priest—a trial so full of prejudice and so shocking in its disregard of ordinary legal procedure that the jury almost gave the killer a medal at its conclusion."

"The Klan spread a reign of terror through the state which included murder, robbery and other crimes. They flogged officials who tried to enforce the law against Klan members and then fixed the juries before whom the Klansmen were brought to trial."

Attending Conference
"I remember attending a conference of editors which solemnly agreed that the greatest national question was the protection of civil liberties and the enforcement of the bill of rights. What we particularly had in mind were the outrages of the Ku Klux Klan and the prohibitionists. Hugo Black was both—a militant dry who scourged the countryside looking for people carrying flasks when he was district attorney, and a fanatical Kluxer who conducted his senatorial campaign in a night-shirt."

It has been said in extenuation that Black was not a Kluxer at heart. Against the argument that he was not a Kluxer at heart,

however, here is evidence in his record that he was precisely that. And if he wasn't, his defense condemns him anyway.

Apparently we are struck with our new liberalization justice, but what do you bet that Mr. Roosevelt will now go through with his punitive expedition against Senators Burke, Wheeler, O'Mahoney and Clark, those "traitors to the mandate," who helped to prevent the appointment of Black time

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PRESIDENT REFUSES COMMENT ON BLACK

Chief Executives Leaves Today on Two-Weeks' Tour of West.

9-22-37

HYDE PARK, N. Y., Sept. 21.—

(P)—President Roosevelt, on the eve of his departure for a two-week tour of the west, told reporters today there was nothing he could add to his non-committal statement of last week concerning charges that Associate Justice Black is affiliated with the Ku Klux Klan.

Meanwhile, official sources let it be known that Black, returning from a European vacation, had not communicated with the President since publication of the charges.

The President admonished newsmen not to attribute politics to his visiting certain cities in the west and steering clear of others, and said he might make a fireside radio talk on future public works policy before congress meets.

No Comment.

The Black incident was revived when the President was asked about a report that a relative of the former Alabama senator had said the new justice had communicated with the White House. The President thereupon cited his statement of last Tuesday that no comment would be made until the Alabaman returned from Europe.

The President also told last week's press conference he had no knowledge of any Klan membership when he appointed Black.

"Extremity"—Passed.

Discussing the windup of PWA, the President said there had been

a decreasing need for this stimulation with the passing of the economic "extremity."

Asked if he felt the "emergency" had passed to such an extent as to render it advisable to eliminate this word from all agencies now having it in their official titles, the President said he believed it should be erased from the emergency conservation work (CCC) because this agency was permanent.

He said, however, the emergency still existed as far as relief (WPA) was concerned, and while the Reconstruction Finance Corporation was tightening up on loans there might be a need now and then to refinance some railroad.

BLACK WILL SEE F. D. R. LATER ON

President's Trip To Delay Meeting Till After Court Meets

By United Press.

WASHINGTON, Sept. 20.—President Roosevelt will have no opportunity for a face-to-face meeting with Justice Hugo L. Black until after the first meeting of the new Supreme Court term, it developed today.

The court meets in the first session of its Fall term Oct. 4. Mr. Roosevelt will not return from his Western trip until Oct. 6 at the earliest. Since the President leaves on his Pacific Coast journey Wednesday and Justice Black is not due back from Europe until a day or two before the new court term, there will be no opportunity for them to confer prior to the court meeting.

This development assumed significance in view of Mr. Roosevelt's statement that he would have no comment on the charges that Black was, and is, a member of the Ku Klux Klan until the new justice returns from Europe and is afforded an opportunity to examine the charges presented serially in articles by The Pittsburgh Post-Gazette.

Whether Black will assume his high court seat for the court's first meeting is not yet known.

Two separate actions have been launched seeking to prevent his service. One filed by Albert Levitt,

former Justice Department official, is a motion placed before the court contending Black is constitutionally ineligible for the justiceship. The other is a letter submitted to Chief Justice Charles Evans Hughes contending that no vacancy existed or the high court to which Black could be appointed.

It is expected that, under normal court routine, these two questions will be considered by the justices prior to the Oct. 4 meeting.

Once A Klansman But Out Forever, Is Black Answer

Effort To Stir Up Religious Hate Is Scored

Cites Record

Catholics And Jews His Friends, Says Talk

(The full text of Associate Justice Hugo Black's speech will be found on page three.)

WASHINGTON, Oct. 1.—(AP)—Associate Justice Hugo L. Black told the Nation tonight that he once joined the Ku Klux Klan but later resigned. On that account, he said "an effort is being made to convince the people of America that I am intolerant, and that I am prejudiced against people of the Jewish and Catholic faiths and against members of the negro race."

"I believe that my record as a senator refutes every implication of racial or religious intolerance," he continued. "It shows that I was of that group of liberal senators who have consistently fought for the civil, economic and religious rights of all Americans, and without regard to race or creed. "The insinuations of racial and religious intolerance made concerning me are based on the fact that I joined the Ku Klux Klan about 15 years ago. I did join the Klan. I later resigned. I never rejoined. What appeared then or what appears now, on the records of the organization I do not know."

Life Membership Denied

The principal attack of recent weeks on Black's appointment to the court had been based on the assertion made in a series of newspaper articles that he held a life membership in the hooded order.

"Before becoming a senator," Black said, "I dropped the Klan. I have had nothing whatever to do with it since that time. I abandoned it. I completely discontinued any association with the organization. I have never resumed it and never expect to do so."

Black's address, without precedent and eagerly awaited was delivered from the modest home of his close

friend, Claude Hamilton, Jr., an assistant general counsel for the R. F. C.

Before the address he and Mrs. Black dined with the Hamilton's and then proceeded to the living room, where furniture and rugs had been shoved aside to make room for elaborate broadcasting equipment.

"At no meeting of any organization, social, political or fraternal, have I ever indicated the slightest departure from my steadfast faith in the unfettered right of every American to follow his conscience in matters of religion," Black said.

I have no sympathy with any organization or group which, anywhere or at any time, arrogates to itself the un-American power to interfere in the slightest degree with complete religious freedom.

"No words have ever been or will ever be spoken by me, directly or indirectly, indicating that any native or foreign born person in our free country should or could be restricted in his right to worship according to the dictates of his conscience."

"I have supported candidates for public office without reference to their faith. In my endorsement of applicants for governmental positions I have acted without discrimination of any kind or character."

Claims Negroes As Friends
Black, who comes from a State which has a large proportion of negroes in its population, said he included among his "friends" many members "of the colored race." He added that some of his "best and most intimate friends are Catholics and Jews."

The justice began his speech by saying that "the Constitution is the supreme law of our country. The bill of rights is the heart of the Constitution." He moved very quickly from this starting point to a forthright discussion of the Klan charges, which ever since his appointment have involved him in one of the bitterest controversies ever to attend the elevation of any man to the high court.

He prefaced his reply to the contentions that he is a member of the Klan with a discussion of personal freedom and the rights of religious and racial groups.

He said that "the constitutional safeguard to complete liberty of religious belief is a declaration of the greatest importance to the future of America as a nation of free people."

"Any movement or action by any group that threatens to bring about a result inconsistent with this unrestricted individual right is a menace to freedom," he continued.

"Any program, even if directed by

good intention, which tends to breed or revive religious discord or antagonism, can and may spread with such rapidity as to imperil this vital constitutional protection of one of the most sacred of human rights.

"I believe that no ordinary maneuver executed for political advantage would justify a member of the Supreme Court in publicly discussing it. If, however, that maneuver threatens the existing peace and harmony between religious or racial groups in our country, the occasion is not an ordinary one. It is extraordinary."

He then referred to the recent attacks on his membership on the court, saying that on his recent vacation in Europe "a planned and concerted campaign was begun which fanned the flames of prejudice and is calculated to create racial and religious hatred."

"If continued," he said, "the inevitable result will be the projection of religious beliefs into a position of prime importance in political campaigns and to infect our social and business life with the poison of religious bigotry."

Black said that in order to do his share "in averting such a catastrophe in this land dedicated to tolerance and freedom" he would "break with the precedent of the past" to deliver his speech.

FAIR ENOUGH

WESTBROOK PEGLER.

NEW YORK, Oct. 1.

Black Well, anyway, the scandal Hugo Black things isn't all scandal and outrage, and for the comedy relief in an otherwise angry episode, we owe thanks to our red and pink pals over on the left who have been giving a hilarious imitation of the wretched person who let out a horrible yowl of pain, rolled over on his back and discovered that, in the confusion of the struggle, he had been twisting his own foot.

Would anybody ever have expected to see the day when the butchers' paper literati would find themselves stuck with a Kluxer, and did anyone ever imagine that in a desperate attempt to save face our bolshoi persons who delight in the Klan would be driven to the humiliating necessity of apologizing for their guy's lack of intelligence and character and minimizing the atrocity of the Klan?

To obtain the best effect it is necessary to go back to the days when the Klan was riding high and read up on the resounding fury of the reds and pinks. In those days there was no discount or mitigation, and anyone who joined out with the night-riders, whether for active, personal service as a terrorist, or merely as a politician seeking votes, was tainted by the name of heel.

The politician who wasn't really klannish at heart, but joined merely to win a cheap political job, was considered to be distinctly lower than the pariahs they will do themselves no good.

Nothing can be gained by denouncing people who are not involved, and even if it be granted for the sake of argument that Paul Block had ulterior motives for breaking the story, the question remains the same.

I am afraid our pals on the left have lost their sense in their shock and horror at the discovery, but

who actually thought the Pope was fixing to storm the White House and earnestly subscribed to the Mother Goose prattle about clouds, bladders and kligrapps.

Change Of Shirts

The politician, if he had character, would have felt himself contaminated by the approval of such people and honored by their hatred, and you can read writings to this effect in all the publications which are now attempting to argue that when Hugo changed from a white nightshirt to a black one he also became another person. At that time they wouldn't grant you that any adult man who joined the Klan could live long enough to get over it, and there are those of us who heard them the first time and agreed entirely.

Then, all of a sudden, and thanks to the deception practiced on the senate as well as on themselves, they discovered that they had been cheering shrilly for a man with a past.

I will say one thing for them. They do not often speak so dishonestly. Usually they are fairly consistent and they have done themselves injustice in this case, for they would have been at least honest if they had admitted a mistake instead of resorting to arguments which sound like the state papers of Little Joe Goebbels.

Counter Attack

The counter-attack has been directed mainly at the personalities and motives of those who made and exploited the exposure, with special emphasis on the personality of Paul Block, whose Pittsburgh paper broke the story. And while I yield to no man in that which I may describe mildly as my dislike for Paul Block, it isn't necessary for me to point out that Block isn't an issue. Neither is Hearst, with his personal grudge against Hugo Black, and equally irrelevant is the fact that many persons who delight in the Klan story are hypocrites who wouldn't object to klannishness if Hugo were a reactionary Republican. The issue is whether Hugo is or ever was in his mature years a member of the Ku Klux Klan and whether those who condemned the Klan so fiercely in its heyday now wish to change their position to anticipate the possibility that he was or is.

Nothing can be gained by denouncing people who are not involved, and even if it be granted for the sake of argument that Paul Block had ulterior motives for breaking the story, the question remains the same.

I am afraid our pals on the left have lost their sense in their shock and horror at the discovery, but

they will do themselves no good railing at fate, the house fly and the White crime, meanwhile neglecting the Mother Goose prattle about clouds, bladders and kligrapps. For and start taking their medicine.

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Black Speaks

Justice Black last night attempted the impossible.

Among those by whom he had been tried and convicted in advance the verdict was unchanged.

His friends and home folk who had hoped that with the magic of words the whole slate would be wiped clean were doomed to disappointment.

Justice Black, himself, was the victim of the high dramatic tension of the moment. He did well in matching the mood with eloquence. He would have done better with less of eloquence, a more simple admission of error and a more straightforward disavowal of all the sordidness of his former association.

Hugo Black's address to the nation was the work of a brilliant prosecutor suddenly turned to the defense. It was an eloquent plea for tolerance.

We admire tolerance as we admire few other traits in life. But we don't admire credulity. So, while we should like to rest our comment with praise to the orator's tribute to tolerance we can't overlook one underlying fact.

He joined the Klan, he said, about 15 years ago. That would have been 1922. The year before that the Klan throughout the South had been responsible for the tarring and feathering of 43 persons, one of them a white woman. The initials "KKK" had been branded on the forehead of a bellboy. A 68-year-old farmer had been whipped by a mob. An archdeacon of the English Episcopal Church had been whipped, tarred and feathered. And in March of the year Black joined the Klan a band of masked and hooded Kluxers had killed a man.

Such things cannot be forgotten, but we would feel better today if the new associate justice last night had advanced the simple, though not so clever, plea that to err is human but to forgive divine.

Ku Klux Planning To Halt Sit Strikes

By the Associated Press.
Ku Klux Klan plans for "mopping up" against the sit-down strike were announced yesterday by "Imperial Wizard" Hiram W. Evans.

He said Klansmen about 30 said, would be to "organize ideas states will hold real klans instead of violence" to combat (secret state klans) "be-violence of strikers." Between now and May, to map action to prevent or handle future sit-downs. But the broad principle, he

PRESIDENT URGED TO ASK
BLACK TO RESIGN

New York, September 17. - A request that President Roosevelt call upon Associate Justice Hugo L. Black, of the United States supreme court, "to resign his post in the absence of repudiation and disproof of the charges" that he holds a life membership in the Ku Klux Klan was telegraphed to the White House by the National Association for the Advancement of Colored People yesterday.

Pres. Service of the N.A.A.C.P.
The association's telegram pointed out that after the nomination of Mr. Black on August 12, it telegraphed the Senate judiciary committee strongly urging that open hearings be held and that opportunity for examination into the alleged membership of Senator Black in the Klan be given. The N.A.A.C.P. telegram, signed by Dr. Louis T. Wright, chairman of the board, along with numerous other telegrams from other parts of the country, was disregarded by the judiciary committee which voted to report Senator Black's name favorably to the Senate and not to hold open hearings.

9-17-37
Mr. Black was confirmed speedily on August 17, and during the debate several senators, among them Senator Borah, stated on the floor of the Senate that Mr. Black had denied in private conversation that he was a member of the Klan.

New York Times
The N.A.A.C.P. action in requesting an open hearing and a chance for witnesses to be heard was in line with its action in the famous John J. Parker case in 1930. However, when Judge Parker was nominated for the supreme court, the Senate judiciary committee held open hearings and gave ample time for witnesses to testify and for additional information on Judge Parker to be collected. It was because of these open hearings and delay in taking a vote that the N.A.A.C.P. was able to wage a successful fight against the confirmation of Judge Parker. In the Black nomination, there was no opportunity for assembling information.

At the time of the Black nomination, the N.A.A.C.P. also sent a telegram to Senator Black asking, in view of his alleged support by the Klan and of his opposition to anti-lynching legislation, for a statement as to his attitude "with respect to the full enforcement of all the guarantees of the federal Constitution, particularly in respect to a broad interpretation of the Fourteenth and Fifteenth Amendments, to the end that minority groups will have full citizenship and actual equal protection and due process of law guaranteed by these amendments."

After Mr. Black had been confirmed and his appointment had become a reality the association, anxious to have him as a justice of the court to take the proper attitude towards the rights of Negroes, sent a telegram expressing the hope and confidence that in all issues which might come before him as an associate justice of the supreme court, and especially in cases affecting the rights of the Negro, he would take not only a literal, but the broadest possible interpretation of the due process and equal justice clauses of the Constitution.

The complete text of the N.A.A.C.P. telegram to President Roosevelt asking him to request the resignation of Mr. Justice Black should the Klan charges not be repudiated and disproof follows:
"After the nomination of Senator Black as Associate Justice of the Supreme Court the National Association for the Advancement of Colored People, disturbed by rumors of his connection with the Ku Klux Klan, telegraphed Senate Judiciary Committee strongly urging open hearings be held and opportunity for examination into alleged Klan membership be given. However, our request with numerous others of similar nature was disregarded by Committee and nomination favorably reported to Senate without open hearings, and statements were made on the floor of the Senate that Senator Black had denied any connection whatever with the Klan."

Ku Klux Klan - 1937

Alabama Supreme Court Justice Hugo L. Black.

PRESIDENT URGED TO ASK
BLACK TO RESIGN

New York, September 17. - A request that President Roosevelt call upon Associate Justice Hugo L. Black, of the United States supreme court, "to resign his post in the absence of repudiation and disproof of the charges" that he holds a life membership in the Ku Klux Klan was telegraphed to the White House by the National Association for the Advancement of Colored People yesterday. *See Service of the N.A.A.C.P.*

The association's telegram pointed out that after the nomination of Mr. Black on August 12, it telegraphed the Senate Judiciary committee strongly urging that open hearings be held and that opportunity for examination into the alleged membership of Senator Black in the Klan be given. The N.A.A.C.P. telegram, signed by Dr. Louis T. Wright, chairman of the board, along with numerous other telegrams from other parts of the country, was disregarded by the Judiciary committee which voted to report Senator Black's name favorably to the Senate and not to hold open hearings.

Mr. Black was confirmed speedily on August 17, and during the debate several senators, among them Senator Borah, stated on the floor of the Senate that Mr. Black had denied in private conversation that he was a member of the Klan.

See report of Mr. Black
The N.A.A.C.P. action in requesting an open hearing and a chance for witnesses to be heard was in line with its action in the famous John J. Parker case in 1930. However, when Judge Parker was nominated for the supreme court, the Senate Judiciary committee held open hearings and gave ample time for witnesses to testify and for additional information on Judge Parker to be collected. It was because of these open hearings and delay in taking a vote that the N.A.A.C.P. was able to wage a successful fight against the confirmation of Judge Parker. In the Black nomination, there was no opportunity for assembling information.

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In view of present revelations in syndicated newspaper articles that Senator Black holds life membership in Ku Klux Klan, and especially in view of silence of Senator Black on these widely publicized charges, this Association urges most emphatically that you as Chief Executive of the Nation, who nominated Senator Black in good faith and without knowledge of this affiliation, call upon him to resign his post or take other appropriate action in the absence of repudiation and disproof of the charges by Senator Black to relieve yourself and the nation of the embarrassment of having upon the highest Court a man pledged to uphold principles inimical to true Americanism. It seems to us impossible that any man can uphold the doctrines of the Ku Klux Klan and at the same time keep his oath to uphold the Constitution of the United States."

Justice Black Is Recorded As Still a Member of Klan

**'Initiation,' 'Resignation,' Then Acceptance
Of 'Life Passport' Cited From 'Archives'**
—He Is Silent in Paris

The Pittsburgh Post-Gazette has been a member of the Klan," begins publication today of a series of six articles in which it is alleged that former Senator Hugo L. Black of Alabama, recently appointed to the Supreme Court of the United States, was and now again is a member of the Ku Klux Klan. The articles, written by Ray Sprigle, a reporter for The Post-Gazette, are copyrighted by The Post-Gazette and the North American Newspaper Alliance, Inc.

In the first article it is asserted that Mr. Black joined the Robert E. Lee Klan No. 1, Invisible Empire, Knights of the Ku Klux Klan, on Sept. 11, 1923, and that he resigned on July 19, 1925, on the eve of his campaign for Democratic nomination for United States Senator.

He was welcomed back, according to the article, and made a life member on Sept. 2, 1926, after his nomination, at a State Klavern, or meeting, in Klan headquarters at Birmingham, Ala.

[In Paris, where he is on vacation, Justice Black avoided seeing or talking to a New York Times representative who wished to give him opportunity to make a statement regarding The Post-Gazette articles.]

During the Senate debate over Senator Black's nomination, his

right hand raised to heaven. Crossed swords lay on the Bible on the altar.

Black intoned the long oath of allegiance to the Klan, swearing never to divulge, not even under threat of death, the secrets of the Invisible Empire. And at last, "I swear that I will most zealously and valantly shield and preserve by any and all justifiable means and methods. . . . While sworn to. . . .

"All to which I have sworn to by this oath, I will seal with my blood, be Thou my witness Almighty God. Amen."

According to the writer, Mr. Black frequently lectured before Birmingham Klans.

"Strategy" in Senate Race
It is asserted that Mr. Black realized in 1925 that the Klan would name the next United States Senator from Alabama, in view of its determination to drive the anti-Klan Senator Oscar W. Underwood from public life. Mr. Sprigle says that in July, 1925, more than a year before the 1926 primaries, Mr. Black asked the Alabama Grand Dragon and Great Titans to pledge Klan support to him.

His resignation was the first step in his campaign, according to the writer, who adds:

"That was Grade A political strategy. The Klan had its enemies; that was inevitable and natural. From the beginning, the Jewish and Catholic elements among the population had opposed the Klan in self-defense. Negro opposition could be discounted. Negroes do not vote in Alabama. Not many of them, in any event."

"But sentiment against the Klan had developed in other quarters, notably among women's clubs. There was no use intensifying that opposition by dressing a Klan candidate up in robe and hood and mask and sending him out to get votes."

It is asserted that Mr. Black wrote his resignation in long hand

on a sheet of stationery of the Grand Dragon of the Realm of Alabama. A facsimile of the purported resignation reads as follows:

"July 19, 1925.
"Mr. J. W. Hamilton, Kligrapp, Birmingham, Ala.
"Dear Sir and Klansman:
"Beg to tender you herewith my resignation as a member of the Knights of the Ku Klux Klan, effective from this date on—
"Yours I. T. S. U. B.
"HUGO L. BLACK."

"Yours in the sacred unflinching bond" is the meaning of the capitals, according to the writer, who adds that Mr. Black misspelled Mr. Hamilton's title, which was "Kligrapp," meaning secretary.

Mr. Sprigle asserts that the resignation was never accepted or even acted upon, that it lay neglected in the files at Alabama, and that Mr. Hamilton never saw it. According to the writer, it served the purpose of enabling Mr. Black to deny membership in the Klan when politically expedient.

"Victory Speech" Is Quoted

After winning the nomination for Senator, which was tantamount to election in Democratic Alabama, Mr. Black attributed his victory to the Klan, expressed his gratitude and pledged his loyalty to Klan principles in a speech at the meeting at which he received his life-membership card (according to the writer). He quotes Mr. Black on that occasion as follows:

"I realize that I was elected by men who believe in the principles that I have sought to advocate and which are the principles of this organization."

Imperial Wizard Hiram W. Evans of Atlanta, Ga., and Klan leaders from other States attended this meeting, it is asserted. When Mr. Black accepted his gold life-membership card, according to Mr. Sprigle, he received a Klan distinction shared by only half a dozen other men in the United States.

Mr. Sprigle asserts that the Klan is having a strong revival in the South, with renewed activity at the Aulic, or Royal Court, of Imperial Wizard Evans in Atlanta, with Kleagles traveling Southern States, taking in new members and bringing old ones back to the fold, with the Birmingham Klan swamped with applications at its regular Thursday meetings, and with Florida Klans boasting a membership of 30,000.



Johnson

**Johnson Calls Black
'Dead Cat Left On
Court's Steps'**

By Hugh S. Johnson

WASHINGTON, D. C., Sept. 17.—What difference does it make that Hugo Black is a uniformed Kluxer? What a man wears on his back is not so important as what he wears in his heart. Anybody who had observed this cluttered Kleagle knew that—nightie or no nightie—he has all it takes to make a perfect Kluxer and that he has a little more. It was plain from his record that he is a born witch-burner—narrow, prejudiced and class-conscious. The President may not have known the general Washington belief that Black had a written charter to snoop around in a bed-sheet to shroud any possible persecutions of Negroes, Jews and Catholics, but he very well knew that, with or without a hob-goblin disguise, Mr. Black is a bigot.

Gesture Of Contempt 9-17-37

In all that knowledge, that appointment was a gesture of derision toward the pretensions of that court to the highest dignity and respect.

It derided their pretensions to legal learning because the appointee was just a police judge—a glorified desk sergeant. It argued contempt for their pretensions to high impartiality because the appointee was a dogmatic partisan. It was contempt for their supposed judicial restraint because the appointee was a notorious hexer and proud of it. The President properly felt outraged by the little consideration the court gave to his sincerity of purpose in approving laws which the court later scathingly condemned. Smarting with that resentment, when this opportunity came he knew exactly what to do with it.

Like Bad Little Boys

Bad little boys in a small town can't do much to express their disapproval of the pompous chairman of the county school board. But when I was a little boy we used to invent reprisals. The least Rabelaisian of these, when there was no snow on the ground, was softly to place on the white stone stoop of his Early General Grant mansion a couple of ripe dead cats, and then ring the doorbell and run rapidly into the night.

Something of this general idea there is in the deposit of Mr. Black on the beautiful marble steps of the new Supreme Court Bldg. The gesture isn't made any less effective by this Kluxer scandal, but I doubt if we shall have any more of these adolescent political obscenities.

The kick-back has been terrific.



July 9 - 1925

Mr. J. W. Hamilton, Klansman,
Birmingham, Ala.

Dear Sir Klansman:

By to tender yourewith
my resignation as a member of the
Knights of the Ku Klux Klan, effective
from this date on.

Yours I. T. S. U. B.
Hugo L. Black

James
9-13-37
New York, N.Y.

HUGO L. BLACK'S LETTER OF RESIGNATION FROM THE KLAN

A facsimile of the communication, written on the stationery of the Grand Dragon of the Realm of Alabama. July 9, 1925. "I. T. S. U. B." is an abbreviation for "In the Sacred Unfailing Bond."

ALABAMA AWARE OF BLACK'S TIES

His Klan Support in Elections
Well Known, but Since Then
Order Has Been Depleted

EX-DRAGON WON'T TALK

But Ex-Member Affirms His
Own Affidavit Regarding
Black at Meetings

By RUSSELL B. PORTER
Special to THE NEW YORK TIMES.

BIRMINGHAM, Ala., Sept. 12.

Some people in this "Steel City of the South," ten years ago one of the strongholds of the Ku Klux Klan, will be surprised to hear that Hugo L. Black, Associate Justice of the Supreme Court of the United States, according to a series of forthcoming articles by Ray Sprigle, copyrighted by The Pittsburgh Post-Gazette and the North American Newspaper Alliance, Inc., has been a member of the Ku Klux Klan and is.

Few will be astonished to learn that he had Klan support for his nomination as United States Senator in the 1926 Democratic primaries, equivalent to election in the deep South.

In those days the Klan was at its peak of popularity. It was credited with from 80,000 to 90,000 members throughout the State, and really had from 35,000 to 40,000 dues-paying members, including 10,000 in the Robert E. Lee Klan No. 1 of Birmingham, according to persons then high in the Klan hierarchy.

It was the Robert E. Lee Klan No. 1, as asserted in the Sprigle articles, to which Mr. Black belonged before he received his life membership card after his 1926 nomination, which, according to a former Klan official here, transferred his allegiance to the State Klan.

Klan's Part in 1924 Election

That Mr. Black had Klan support in the 1926 primaries has been a

mon knowledge here and that he addressed Klan meetings during his campaign for Senator has often been asserted. One realistic viewpoint heard expressed here is that he had to cater to the Klan or give up his ambition to hold public office at that time.

It is recalled that after the late Senator Oscar W. Underwood of Alabama came out against the Klan in the 1924 national election he had to leave public life.

The Klan was so strong in Alabama in 1926 that practically no one could hold or keep public office unless he joined it or made some kind of deal with it. Its numbers were greatly expanded that year as word spread that Klan membership would be an indispensable requirement for appointment to jobs after the elections.

State, county and city offices were filled with Klansmen. The Police and Fire Departments, the prosecutors' offices and even some of the courts were packed with Kluxers.

Both Mr. Black as candidate for the Senate and Colonel Bibb Graves, as candidate for the Governorship (the latter is now serving his second term as Governor) were swept into office at the head of a heavy Klan vote.

Reasons for Klan's Decline

After the Klan began to slip, its vast and secret power led to greater and greater abuses against civil liberties. There were too many loggings, and it became apparent that many were affairs of revenge that had nothing to do with Klan "principles."

Klan membership then became a liability in Alabama politics. How this worked in practice is illustrated by a story of a minor local politician who rode into office in the Klan sweep of 1926.

Seeing the handwriting on the wall change, he secretly organized some of his political henchmen and fellow-Klansmen in a masked and hooded automobile raid on his own home, causing them to throw a fiery cross onto the front lawn, in order to convince his constituents that he was now "anti-Klan."

On top of a reaction in public opinion came the depression, which swept away dues-paying members by the thousand, and left the highly paid leaders stranded without their revenue from dues or from their various "side issues" which depended on the trade of "loyal" Kluxers.

By 1931, according to a former Klan official, the actual dues-paying membership throughout Alabama had shrunk to about 2,000. Now the Klan is nearly extinct, although the Imperial Wizard, Dr. Hiram W. Evans, the Atlanta, Ga., dentist, and a dentist lieutenant here, are trying to revive it.

It still has local units in this city and elsewhere in the State which hold regular weekly meetings and are trying to urge former Klansmen

Still a secret organization, its membership is not a matter of public record, but probably is only a few hundred throughout the State, according to former Klan officials. In the same quarters, the Robert E. Lee Klan No. 1 of this city—in which Mr. Black is supposed to have belonged, according to the Sprigle articles—now has only 75 or 100 dues-paying members.

Ex-Grand Dragon Is Silent

No Denial of Link to Black

As Grand Dragon he was State head of the Klan in Alabama. He also was a traveling organizer for the Klan in Tennessee, Virginia, and North Carolina. Senator David I. Walsh, Democrat, said in a statement issued here today that he had no doubt that Senator Walsh, who had declared

Conforming of Affidavit

He added that he had been approached recently in an effort to persuade him to rejoin the Klan, but that he had not done so. He said that he had been out of the Klan for several years.

Barred Confirmation

Recalling His Offer

ny Q-11-57

THE NEW YORK TIMES

Special to THE NEW YORK TIMES.
CLINTON, Mass., Sept. 15.—Re

representations made on the floor of

za-the Senate that Hugo L. Black wa

not a member of the Ku Klux Klan

influenced a number of his Sena

to colleagues to vote to confirm him.

ate as a Supreme Court justice, Sen

Hector David I. Walsh, Democrat, said for a statement issued here today

Senator Walsh, who had declar

Senator Walsh, 1911-1912

that President Roosevelt should ask Mr. Black to join if it was true that he was a member of the Klan, stated that he had received scores of messages congratulating him on his stand.

the Klan they might not have a chance to do so after confirmation.

THE DES MOINES REGISTER—Pittsburgh Post-Gazette that Mr. as a politician who decided that "If it really is established that Justice Black is a life member of success was better than more Hugo Black had and has the relation with the Klan . . . Hugo Black The Record withholds comment for our Supreme Bench the ought never to take his seat on the pending outcome of its own investigating hypocrite in public life." Supreme Court of the United States. Perhaps nothing could be done to prevent it save by the method of impeachment . . . Succeeded or fail, the attempt would not if Mr. Justice Black was an honest member of the Klan in 1925, he be too extreme a thing to be made." has prejudices which belong any-

Lee record, but probably is only a few hundred throughout the State," according to former Klan officials in the same quarters, the Robert E. Lee Klan No. 1 of this city—kept others, including the stenographic records of State meetings, which Mr. Black is supposed to have belonged, according to Sprigle articles—now has only 100 dues-paying members.

Active Klans are still kept up in Georgia and Florida, and it is understood here that a Captain Garcia of Jacksonville, who had some success in reorganizing the

here to try to revive it in Alabama.

Ex-Grand Dragon Is Silent
The Grand Dragon of the Realm affidavit which he signed during the Ku klux Klan, referred to in Mr. articles.

Spring's first article, was James In this he stated that he was a
Esdaile, a well-known Birmingham member of the Klan here in 1926
lawyer. He withdrew from the Klan that he attended the meeting
in 1931. which Mr. Black is said to have re-

According to the Sprigle series, received his life-membership card in 1923, after joining the Klan and that he heard Mr. Black accept Mr. Black, resigned, in a note written the card in a speech in which he thanked Grand Dragon's stationery thanked Grand Dragon Esdale and on July 19, 1925, so that he would the Klan for the honor of life membership to disclaim membership in the primary, the Klan if challenged on that score candidacy in the primary.

Mr. Williams, a man of about 45 during the 1926 primaries.

The Springfield article says that Mr. said that he was a brick-mason Black decided in conference with one of the few Republicans in Klan officials to resign at Alabama, although he always voted getting their pledge of support for Democratic in State and local elec- him as a Klan candidate in the "to keep the Niggers wher- primaries, but that the resignation they belong."

were kept in the Klan archives and he added that he had been at
was never presented to J. W. Prothro recently in an effort to
Hamilton, "Kligrapp," or seepersuade him to rejoin the Klan
tary, of the Robert E. Lee Klub said that he had not done so. His
No. 1, to whom it was addressed, said that he had been out of th
or made known to the Klan rank-Klan for several years.

and-file.
Interviewed by this reporter today at his home in the exclusive Red Mountain residential district overlooking the city, former Grand Dragon Fagdale declined to discuss

the Klan records cited in the Sprague articles showing Mr. Black's original joining of the Klan, or his 1925 "resignation" or his renewal of allegiance at the Klan meeting in this city on Sept. 2, 1926.

At this meeting, according to the writer of the series, Mr. Esdale presided and Mr. Black accepted a gold "grand passport" of life membership card in the Klan.

No Denial of Link to Black

Mr. Esdale also declined to talk about an alleged deal between Mr. Black and himself for Klan support in the 1926 primaries. The former Grand Dragon did not deny any of the statements which linked his name with that of Mr. Black.

Mr. Edsall is now practicing law in Birmingham. He is no longer interested in the Klan, but is still representations made on the floor of the Senate that Hugo L. Black was interested in "patriotic" organizations. He had a share in promoting a member of the Ku Klux Klan, the Crusaders of America, after influencing a number of his Senate colleagues to vote to confirm his leaving the Klan. He belongs to various fraternal organizations.

As Grand Dragon he was State's a supreme Court justice.
head of the Klan in Alabama. Heter David I. Walsh, Democrat, sa,
also was a traveling organizer for in a statement issued here today.
the Klan in Tennessee, Virginia, Senator Walsh, who had declared

that President Roosevelt should ask at the switchboard there whether Mr. Black was in. If it was true, the explanation that all calls for Mr. Black to come to the Klan, Mr. Black were being refused. Mr. Black, a member of the Klan, previously Senator Burke met and stated that he had received scores of questions on the Klan controversy of messages congratulating him on with this statement:

"I have received messages from all over the country congratulating me on my request that Senator Black make a public statement regarding the principles of the Ku Klux Klan, or resign," Senator Walsh stated.

[illegible]

Other Senators Embarrassed
 "They insist a public statement must be made in justice to them to remove embarrassment in political opposition that such Senators may be subjected to by their constituents because they voted for Senator [name],"

ELKO, Nev., Sept. 15 (AP).—Key Pittman, President pro tem of the Senate, said today he "knew nothing about" published reports linking Hugo L. Black with the Ku Klux Klan, and had "no comment to

"A Bit Surprising" to Bulow

BERESFORD, S. D., Sept. 15 (*AP*).—Senator W. J. Bulow, Democrat, is particularly due those Senators of Catholic faith and other Senators who have constituents of today termed the controversy over Catholic and Jewish faith and who Hugo L. Black and the Ku Klux Klan "a bit surprising."

"I know Black personally and in their minds in their desire to show to the country a generous spirit of tolerance. "If Senator Black fails to speak head, his colleague, assured me he will be ungracious to those with that Black had never been a member of the Klan." and his silence will be most unfor-

PRESSMEN'S HOME TOWN

lationships. Berry made this statement today in connection with the controversy.

Says There Was, No Evidence
Special to THE NEW YORK TIMES.

INDIANAPOLIS, Ind., Sept. 14.—Twenty years and I don't know of a background of a quarter finer character in America. A lot of people have joined an organization in periods of enthusiasm to Nuys, Democrat, declared today her withdrawal later when they knew never would have voted to confirm more about it.

Hugo L. Black as a Supreme Court "That is the worst that can be justice had he known him to be as bad about Justice Black." member of the Klan.

"Neither on the Judiciary Committee nor on the floor of the Senate did the United States Senator Ernest W. Mitchell have any evidence against Senator Black's connection with the Klan," the Senator said. "Confirmation of Hugo L. Black [if] the cause of the lack of such evidence had known he was a member of the Klan, I voted to confirm him, but I never knew of his Klan."

he was a member. I have no sym Congressional delegation attending pathy with such an organization dedication of Ameriean war memo- and I have been fighting it sincerals when Senator Black was nomi- 1912 when I first attacked it in anated for the Supreme Court. address before the Indiana State Democratic convention."

WASHINGTON, Sept. 16 (AP).—

Burke Tries to Phone Black

OMAHA, Neb., Sept. 15 (AP).—Senator Edward R. Burke, Democrat, came home to Omaha today, after, with a prediction the Roosevelt Administration would soon seek "was confound."

reconciliation with all Senators. At that time Senator Tydings, who opposed the Supreme Court, warned his colleagues that if they failed to investigate the question of Mr. Black's alleged membership in the Klan they might not have a chance to do so after confirmation.

Hunt to Run as Independent
Special to THE NEW YORK TIMES.
WILDWOOD, N. J., Sept. 15.

William S. Hunt of Wildwood announced this afternoon he would be an independent candidate for State

November. Mr. Hunt resigned from the Senate several months ago after a court ruled he had been illegally elected over Jesse C. Ludlam. Mr. Ludlam is a Democrat.

choice. Mr. Hunt attacked the President for refusing to endorse publicans for refusing to endorse him again.

THE KLAN ISSUE

**Editorials Call On Black To
Deny Connection With**

Order 39-9

By United Press
Editorial comment on the purported revelation that Associate Justice of the Supreme Court Hugo L. Black is a member of the Ku Klux Klan:

THE NEW YORK TIMES—

THE NEW YORK HERALD-TRIBUNE—"The first issue is not one of the Kian et al but of the appointee's personal integrity. And it is an issue, moreover, which reaches farther than Mr. Justice Black. Did the President know whether Mr. Black was a Kian member or not? . . . A statement is called for from the President almost as urgently as from his appointee."

THE SAN FRANCISCO CHRONICLE—" . . . If Justice Black has any answer to these charges he should make it immediately and

for once he should make it frankly, telling the whole truth. If not, he should relieve the President from embarrassment, the court from disgrace, the nation from calamity and himself from the scorn of men by resigning his office."

THE LOS ANGELES TIMES—
* * *
"... If Black as asserted, was and
still is so closely connected with
this un-American and Fascist or-
ganization as to be one of the half-

disqualified for the bench and should resign immediately. It is too much to expect that Black will resign voluntarily, but the pressure of public opinion may force

where but on the highest court of the land. If he just "went along" as a politician who decided that success was better than moral conviction, then Mr. Roosevelt picked for our Supreme Bench the outstanding hypocrite in public life."

PHILADELPHIA RECORD
The charge made by The Pittsburgh Post-Gazette that Mr. Justice Black is a life member of the Ku Klux Klan is so serious that The Record withholds comment pending outcome of its own investigation.

THE CLEVELAND NEWS—"... of Mr. Justice Black was an honest member of the Klan in 1925, he has prejudices which belong anv-

him off.

* * *

THE DES MOINES REGISTER—
"... If it really is established that Hugo Black had and has the relations with the Klan ... Hugo Black ought never to take his seat on the

Supreme Court of the United States. Perhaps nothing could be done to prevent it save by the method of impeachment . . . Succeed or fail, the attempt would not be too extreme a thing to be made."

Ku Klux Klan - 1937

Alabama

Supreme Court Justice Hugo L. Black.

Evans Addressed Klan With Black Denounced Catholics and Negroes

Imperial Wizard Declared Nation Must Be Organized to 'Get'
Government Into the Hands of Native, White, Gentile,

Protestants—Attacked New York Voters

The Pittsburgh Post-Gazette publishes today the fourth in a series of six articles in which it is charged that Hugo L. Black of Alabama, recently appointed to the Supreme Court of the United States, was and still is a member of the Ku Klux Klan.

The articles were written by Ray Sprigle, a reporter for the Post-Gazette, and are copyrighted by The Post-Gazette and the North American Newspaper Alliance.

The fourth article quotes from the speech delivered by Imperial Wizard Hiram Wesley Evans at the Kloriger of the Alabama Klan in Birmingham Sept. 2, 1926, at which Mr. Black and Governor Bibb Graves of Alabama accepted "bad passports," or life membership in the organization, according to the water of the series.

At the same meeting, at which Mr. Evans attacked Catholics and Negroes, Mr. Black, according to what purports to be a stenographic report of the proceedings, declared himself in sympathy with Klan principles, acknowledged his political debt to the organization and called upon its members to give him counsel in his duties as United States Senator.

"Word for Word" Report

The Imperial Wizard's remarks on that occasion, according to Sprigle, are available today for word and line for line" as they were recorded by Klan stenographer A. B. Hale, now the official court reporter for Jefferson County, Alabama. The speech is presented as follows:

"Boys, the Klan has a hard fight ahead. The time has come to deliver. We have passed through a mobilization period. We have passed through an organization period. We have the confidence of America's people. We have possession of the machinery of government over a great deal of American territory and the time has come when the Ku Klux Klan must deliver, or else make no apologies for it. The time has come to deliver performance.

"Now it is a simple thing after all, the great program ahead of us. It is a simple thing. Here it is—just as easy. An examination of those who have been instrumental in

dragons or exalted cyclops or yourto do it is a genuine fight and I South and East and West that selves; without thinking as individdon't mean maybe. It is a genuine there is a fundamental difference uals, you think about a great caushard fight. Well, you say, it isn't between the races and that some —aiming to produce a general sethere in Alabama. race must run the country. I make no apology or excuse for the fact that I expect the white race to do it of circumstances that will measure up to the cause.

Picture of New York Offered

"That is the program of the Klan. "No, the Catholic hasn't any chance to control Alabama. Andequality. The fact that we are native-bornwhite, gentile Protestants entitleshe Negro hasn't any chance to con- "I tell them we don't aim to have us to supremacy and to lead. trol Alabama. There isn't a Negroit peaceably. We aim to stay with-

"So let's get the country into their hands of that kind of people, butmouth and say he believes in socialstay within the law but we don't And we want to go back to ourpublic that he wants social equal- "I mean just that, I mean just forefathers' slogan, that this wasity. That is, not here. that. I mean to tell you any time

to be a country where a man might worship God according to the dic- York that National Association fobetween me and a certain said Ne- tates of his own conscience. the Race adopts as its slogan that ito hold a funeral for the Negro

"That is the slogan that madeRace adopts as its slogan that ito hold a funeral for the Negro landed on Plymouth Rock was that the Negroes up north and it don't they wanted a country where they could worship God according to their own beliefs. The only reason why the cavaliers made that wonderful settlement down in Virginia was because they wanted a place where they could worship God according to their own consciences.

"And the Cavalier of Virginia and the Puritan that landed on Plymouth Rock built a Protestant civilization that is the envy of the world. There has been no statesman able up to now to suggest in the form of a government a single improvement upon the government laid down by our Protestant forefathers.

"They Could Brand Them"

"Do you know they vote the Roman Catholic in New York? They vote him exactly like you number horses out here.

"Do you know what they could do? Why, they could brand them and cut their ears like we cut the ears of cattle and hogs in Texas. If they wanted to, they could mark them so they could look on the ear and see whether or not he was a Catholic. They could do it in New York without a word. They could do it in Chicago without a word.

"And if you are going to have that thing become a penetrating doctrine, all you have to do is to quit protesting. There are not enough of you in singles that are preaching your doctrine all the time in mass. There is not enough of you to control this thing unless you all get together and preach it all the time. The Klan is scattered over the nation. The Catholic sentiment is hot in the big centers of the nation.

"And thus we are going to see whether the progress through the succeeding years of this century will be a progress toward centralized hierarchial control of government and religions or whether we will have the great open spaces continue to provide the thought and the direction for this great free nation.

"That is the Klan program. We are here to preserve America and

"They recognize it North and

"They can't live in the big cities, for they will die from tuberculosis or they will be murdered by the Yankees that have gotten all the sass from the Negroes that they want.

"They recognize it North and

BORAH ACCEPTED DENIAL BY BLACK

No Evidence Linking Alabaman
to Klan, Congress Record
Quotes Senator as Saying

'RUMOR' AND 'HEARSAY' HIT

But, Despite This View, Idaho
Voted Against Confirming
Nomination for Justice

In the Senate debate on Aug. 16

on Senator Black's qualifications for the Supreme Court bench, Senator Borah of Idaho declared that thousands of telegrams attributing Klan membership to Senator Black had been received by Senators, but that Senator Black's denial had been sustained by the absence of any evidence of membership.

Senator Borah said, according to the Congressional Record:

"Mr. President, the Committee on the Judiciary had this matter before it, and I do not see any reason why it should be sent back to the committee. There has never been at any time one iota of evidence that Senator Black was a member of the Klan. No one has suggested any source from which such evidence could be gathered. The members of the committee have had hundreds of telegrams, even running into the thousands, from people over the country, some upon the theory that the senator is a member of the Klan; but in no telegram that I have seen has there been a suggestion as to any evidence or any facts sustaining that proposi-

tion, and, for myself, I am not will the Constitution. ing to go about hunting for the pos- Justice George W. Maxey of the sibility of something which may re-Pennsylvania Supreme Court, one flect upon a member of the Senate of the speakers at the Academy of Music ceremony, after raising the "We know that Senator Black has no Constitution as the protector of the said in private conversation, no freedom of religion. Since this matter came up but afreedom of religion. Other times, that he was not a mem- "No man with prejudice in his since the Klan, and there is no evi- heart against any race or any re- ber of the Klan, and there is no evi- heart against any race or any re- dence to the effect that he is. Whalligion has ever set on the Supreme Court of the United States. "May country seems to proceed upon the that proud record never be broken. is there to examine? Of course, the Court of the United States. "May country seems to proceed upon the that proud record never be broken. theory that there is something to Washington, Franklin, Madison, examine, but there is not. There Hamilton, Morris, Rutledge and a is no fact or facts even indicating score of the other great figures in it. It is rumor or hearsay. For the Constitutional Convention of myself, I am not desirous of enter 1787, impersonated by Philadelphia lawyers, strode across the stage ing upon any investigation regard luring the pageant. son is prepared to make the charge Earl G. Harrison, as Washington not based upon hearsay, but upon took the chairman's seat and en- knowledge of some facts tending tected the role of diplomacy and sustain the charge. If it goes back statesmanship in the convention to the committee, upon whose und steered the delegates past legis charge or upon what facts shall we ative pitfalls. begin investigation?"

Senator Copeland of New York the part of Benjamin Franklin and asked whether Senator Borah Harry R. Saylor characterized would oppose the nomination if James Wilson, the Philadelphia said the Senator. Senator Black was or had been a lawyer, to whom the audience was paying special homage.

"Mr. President, for myself, if I Wilson, who served on the Supreme Court until his death in knew that a man was a member of the Supreme Court until his death in a secret association organized to 1798, was one of the few men who spread racial antipathies and re- signed both the Declaration of Inde- ligious intolerance through this dependence and the Constitution. country, I should certainly vote The lawyers and judges reenacted the drafting of the Constitution in against him for any position. There the four episodes, covering the period from May 25, when the convention is one thing we ought to be very four episodes, covering the period from May 25, when the convention careful about in this country, and from May 25, when the convention that is not to start the flames of as assembled, until the finished docu- ment was signed on Sept. 17. intolerance; and I have no sym- ment was signed on Sept. 17. pathy and no respect for any effort The pageantry, under the direc- tion of J. Howard Reber, was pre- along that line. But that is a wholly tion of J. Howard Reber, was pre- different proposition from taking sented against an authentic back- velopment that Mr. Black is a mem- an associate here who has been ground designed from the Assem- bly Room in Independence Hall, Senator Royal S. Copeland an- cause of mere rumor, putting him and words and actions were au- thenticated from the records. under the humiliation of a trial as to whether or not he is a loyal American citizen. If any one has any facts let him present them here, and then we will talk about the nomination going back to the committee."

Senator Borah made no reply to Senator Copeland's question other than to repeat his doubt as to the charges against Mr. Black. A few minutes later when the vote was recorded, Senator Borah, who had so recently defended the nominee against the Klan accusations, voted with fifteen others against his confirmation.

KLAN ISSUE ENTERS CONSTITUTION RITE

Justice Maxey, at Philadelphia Pageant, Hails Freedom of Supreme Court From Bigotry

Special to THE NEW YORK TIMES.

PHILADELPHIA, Sept. 16.—Reference to the controversy over Justice Hugo Black's alleged membership in the Ku Klux Klan was injected tonight into a program of pageantry depicting the framing of the Constitution. Justice Maxey, at Philadelphia Pageant, Hails Freedom of Supreme Court From Bigotry

in Newark Representative Neill said that he had telegraphed the following to Chairman O'Connor in answer to a request for his reaction:

"If Mr. Justice Black was a member of the Klan when nominated and confirmed, his silence constituted a moral fraud upon the American people. Should he further refuse to explain his present relation with the order or refuse to repudiate its principles and purposes, I anticipate that the President of the United States will request his resignation. Should Justice Black refuse, I would vote to impeach him." Criticizing the Department of Justice on the ground of failure to follow the usual procedure of investigation in the Black case, the Senator said that if it had done so it would have developed Mr. Black's status before he was confirmed by the Senate.

"Black surely knew that his Klan connections would be inquired into, and he should have been frank about it and told the President," said the Senator.

Senator Copeland said he had been impressed by "the resentment that has grown among the people over the Klan situation," as manifested by the reaction at meetings he has addressed since the alleged Klan membership of Justice Black was published.

"Every audience has reacted in a manner to indicate that in this city, regardless of the four groups banned by the Klan—Catholics, Jews, foreigners and Negroes—there is a pre- feeling of resentment over the development that Mr. Black is a member of the Klan," he added.

Senator Royal S. Copeland announced that he was ready to go along with any "sensible movement" to unseat Justice Black, but believed it best to leave the matter to President Roosevelt.

"The President should ask Mr. Black if he is a member of the Klan," added the Senator. "If the President was deceived, if he did not have knowledge that Mr. Black was a member, he has a right to be highly indignant. In the normal procedure, the President should deal with this matter himself."

Senator Copeland said that impeachment by the Senate was a very difficult procedure. He knew of no precedent for the removal of a Supreme Court justice on grounds of misrepresentation or fraud, but said lawyers had held that the question of fraud could be properly raised. The oaths of a Supreme Court justice and of a Klansman were incompatible, he said, adding that the Bill of Rights might be invoked.

The Senator said he believed that the Klan issue had helped him and his opponent, Jeremiah T. Mahoney, in the Democratic may- vassing primary, because many voters "resented Mr. Mahoney's refusal to say how he would have voted on Mr. Black's confirmation to the Supreme Court."

CLARK SAYS BLACK SHOULD TELL FACTS

Justice Was Confirmed on Assurance of No Klan Ties, Asserts Missouri Senator

HE CONDEMNS KKK AIMS

Visitor Declares Neutrality Act Should Be Invoked in Far East Controversy

Senator Bennett C. Clark in dis- cussing here yesterday the reported Klan affiliations of Justice Hugo L. Black, said:

"I do not wish to be in the posi- tion of concluding as to the au- thenticity of the charges contained in the newspapers against Justice Black, but it does seem to me that he has had ample opportunity to answer a simple statement of fact."

Senator Clark arrived yesterday to make an address at the constitu- tion Day celebration, which is being held by the New York Times this afternoon. Taking up the circum- stances under which the Senate con- firmed Mr. Black's nomination to the Supreme Court, Senator Clark said:

"Many Senators voted for Mr. Black's confirmation on assurance we had a right to rely upon, that there was nothing in the charges against him. The nomi- nation had come in the closing days of Congress, and it was considered desirable on all sides that the new Justice, whoever he might be, should be ready and prepared to sit in the court from the beginning of the Fall term."

Senator Clark reiterated the state- ment he made yesterday en route to New York from Kansas City, that he "certainly would not have voted to confirm Justice Black if I had had any knowledge of his Klan affiliations."

Klan Principles Assailed

"In my opinion," he repeated, "he could not have been confirmed if the facts had been known. I be- lieve the prejudices and propaganda of the Ku Klux Klan are utterly at- variance with the guarantees con- tained in the Bill of Rights of the Constitution of the United States, which it is the duty of the Supreme Court to construe and enforce."

Looking back over his own asso- ciation with Justice Black in the Senate the Missouri Senator went on:

"I am bound to say that, as far as Justice Black's services in the Senate are concerned, he never showed any evidence of the prej-

udices represented by the Klan ex- cept in his participation in the filibuster against the Anti-Lynching Bill. And in this he was joined by many other Senators who were never suspected of Klan affilia- tion."

Turning to the national credit situation, Senator Clark said he thought the impelling reason with the Treasury and the Federal Reserve Board in freeing \$300,000,000 of sterilized gold to aid the Govern- ment's "easy money" policy was to strengthen the market for Govern- ment bonds and other securities.

Wants Neutrality in Orient

He touched on the situation in the Far East to say:

"I believe the situation in China should be recognized as a state of war and that the Neutrality Act should be made effective at once."

Senator Clark said he had been one of the pioneers in neutrality legislation, and felt that the pres- ent act "marks a very great ad- vance over any former peace pol- icy." He said he had voted against it because in his opinion its pro- visions should have been made man- datory.

He termed "fallacious" the criti- cism of the cash-and-carry principle in the present act by those who said it tended to hurt China and help Japan. They overlook the fact, he said, that "Japan can blockade China with her navy any time she wants to."

Senator Clark arrived yesterday after three consecu- tive bumper crops after three consecu- tive drought years are enabling farmers in the Middle West to catch their breath again, according to the New York Times. Senator Clark, who said, however, that farm sentiment had not yet crystallized, one way or the other, the Administration's crop-con- trol proposals.

The different self-interests of cot- ton farmers in the South and wheat farmers in the West, he said, still presented a problem which could only be solved along the lines that Congress was following, namely, by holding committee hearings throughout the farm areas to learn the merits of each case before adopting definite recommendations as to what was best for the whole.

Wheeler Urges Full Inquiry

By The Associated Press. HELENA, Mont., Sept. 16.—Sen- ator Burton K. Wheeler, Montana Democrat, said today that "the President should appoint an im- partial board to investigate the charges" that Supreme Court Jus- tice Hugo L. Black is a member of the Ku Klux Klan.

"If the charges are true, the Presi- dent should ask for Black's resig- nation," Senator Wheeler, one of the leaders of the attack on the Su- preme Court reorganization plan, wired The Associated Press from Fargo, N. D.

The Senator, en route to Chicago to deliver a Constitution Day ad- dress Friday night, telegraphed in part:

"This is a good illustration of what happens when an Administra- tion acts hastily and what happens when Senators vote blindly for what they hear without realizing clearly what are the doctrines of those organiza- tions. Then, of course, some of those people cease to be active in such organizations when they learn more about their doctrine. I assume that Mr. Justice Black will return soon to this country and I do not think it is only reasonable that we should withhold our judgment until he has made a statement."

It is only fair, however, to hear what Mr. Justice Black has to say. Many people join organizations without realizing clearly what are the doctrines of those organiza- tions. Then, of course, some of those people cease to be active in such organizations when they learn more about their doctrine. I assume that Mr. Justice Black will return soon to this country and I do not think it is only reasonable that we should withhold our judgment until he has made a statement."

Radcliffe Awaits Black's Word

BALTIMORE, Sept. 16 (AP).—Sen- ator George L. Radcliffe, Maryland Democrat, said today that if Justice Black "approves today of all the doctrines of the Ku Klux Klan as I understand them, then I do not feel that he would be a suitable member of the Supreme Court."

He added:

Wauchula, Fla., Herald
October 1, 1937

**JUSTICE HUGO
L. BLACK**

The trial of Associate Justice Hugo LaFayette Black now going on in the metropolitan and in certain of the religious presses is as incompatible with our institutions as are those principles accredited to the Klu Klux Klan and made odious by some of its alleged overt acts.

Named by the President for the U. S. Supreme Court, duly confirmed by the Senate, sworn in as a member of that Court, and a citizen of unblemished character, there appears to be no warrant for the attitude by Justice Black's enemies. That Justice Black was a member of the K.K.K. would appear to be fairly well established; that he resigned from the order appears from a letter; that he is not now a member appears, first, from his personal statement to Senator Borah in which he is declared to have said he is not a member, and second, from a statement by Hiram W. Evans, head of the order, that Black is not a member.

What should have great weight with all who feel that Justice Black will not mete even-handed justice to all from the supreme Court bench is his record as a judge and legislator. It is stated that those who have examined those records are frankly unable to point to a decision or to the passage of a bill where he discriminated against our Negro, our Jewish, or our Catholic citizens. His whole public career, they claim, marks him as extremely fair and social-minded, with no radical or religious prejudices.

In the pending education bill which bears his name, there is no indication of his prejudice toward any group. When the Negro educators pressed for special aid to their schools in the South during the Senate hearing, he did not oppose their requests as such, but felt, some claim, that to amend the bill as they requested would make it impossible of passage. When an amendment to the Harrison-Black-Fletcher bill was urged making the funds available to public schools only, his convictions were according to the tenor of the hearings, that the states should do with their allotments as they saw fit. In the judgment of many serious

and reflective minds, it is as unfair to assume that Justice Black would shade his interpretation of a law in favor of Protestant litigants or causes in which they were interested as it would be to assume that a Negro Justice, a Justice of the Roman Catholic faith, or a Justice of the Jewish faith of the Supreme Court would favor a Negro, Catholic or Jewish litigant or their respective causes. We know of no instance where a Supreme Court Justice or any other Federal Court Judge has thus prostituted his office. On the contrary, Justices in most cases have been particularly careful to be fair to causes involving religious principles contrary to their private opinions. Those who know Justice Black intimately hold that he will not stultify his own conception of fairness, much less violate the implications of the Bill of Rights.

If the present outcry against Justice Black because of his former membership in the Klan is a national feeling averse to race hatred and religious intolerance, its efforts will not be in vain; but if it is engendered by certain groups which demand tolerance while they give none, it will serve only to embitter and strengthen the old Klan spirit, as would now appear from the great number of applications for membership that are said to be coming in to Klan headquarters since the Black imbroglio started.

But above all, let Justice Black be judged by his fellow-citizens on his legislative record and his decisions while on one of the lower courts of the State of Alabama. —Scottish

**FORT MAY KNOW
BLACK'S RECORD**

**Former Law Partner Will
Make No Comment, But
Believed On 'Inside'**

WASHINGTON, Sept. 22.—William E. Fort, former law partner of Hugo L. Black in Birmingham,

and now a special assistant to Atty.-Gen. Homer S. Cummings, is believed to be in possession of information as to whether the newly appointed Supreme Court justice was, and is, a member of the Ku Klux Klan.

At the same time, a former member of the Klan told the United Press that a special Klan ritual exists which would permit Black to deny truthfully that he belongs to the hooded order and yet retain full Klan membership.

Fort Makes No Comment
Meanwhile, Attorney Fort declined comment on the possibility he has information concerning the Klan charge, declaring "Mr. Black is on his way home and I am sure that any statement he makes upon his arrival will be the truth."

Mr. Fort, a former Birmingham circuit judge, also refused to discuss reports that he, himself, had been a member of the same Birmingham Klan unit with which newspaper reports have declared Mr. Black was associated. The special assistant attorney-general was associated with Mr. Black in law practice at Birmingham for two years starting in August, 1925.

No Investigation Made
Atty.-Gen. Homer S. Cummings today declared the Department of Justice made no investigation of Associate Justice Black "prior to the time his name was sent to the Senate."

"Indeed, it is not the practice of the Department of Justice to make investigations into the private life of prospective appointees to the United States Supreme Court," Cummings said. He emphatically declared there was no investigation now under way to check the Klan charges against Justice Black.

**NO BLACK PROBE,
CUMMINGS SAYS**

**Attorney General Reports
No Requests Ever Made;
Walsh for Blocking.**

WASHINGTON, Sept. 22.—(AP) Attorney General Cummings reported today that the Justice Department had made no investigation of Justice Hugo L. Black's qualifications either prior to his appointment or since accusations

that he belongs to the Ku Klux Klan. He told reporters it is not the department's practice to investigate prospective appointees to the supreme court, and that no one has requested an inquiry since the Klan charges appeared.

In response to questions, the attorney general declared he had not talked in more than a year with William E. Fort, Black's former law partner, who has been a member of Cummings' own staff since August 1, 1937.

Fort, meantime, declined to tell newsmen whether he and Black were fellow members of the Klan. Representative Dickstein, Democrat, New York, declared here that the Klan now is organized in at least 10 states and is attempting a comeback. He expressed belief that the Black case is being used to obtain new members, who "will be used apparently to fight for Black."

**WALSH SURVEYS PLANS
FOR BLOCKING BLACK**
WORCESTER, Mass., Sept. 22.—(AP)—Although asserting Justice Hugo L. Black, of Alabama, obtained elevation to the supreme court "by deception" through failing to disclose "previous membership in the Ku Klux Klan," Senator David I. Walsh, Democrat, of Massachusetts, said today he believed Black's impeachment by congress "improbable."

Impeachment proceedings, he said, would have to originate with the house, adding he believed the most feasible way in which Black could be eliminated from the highest tribunal would be for President Roosevelt to "demand and obtain his resignation."

"There is still one other possibility," Massachusetts' senior senator declared, "that the supreme court will rule on the question of Black's eligibility."

**Wizard Says Black
'Has Judicial Mind'**
Dr. Hiram Evans, imperial wizard of the Ku Klux Klan said after listening to Justice Black's radio address last night "He has a judicial mind—he'll make a great judge on the bench."

Dr. Evans said the justice's chronology of events in his life

He has been trying to tell folks that card (membership) didn't mean a thing.

"I thought it was a very sincere speech. His concept of religious and political freedom is sound Americanism. What he said about the races is sound, too."

The imperial wizard of the hooded order declared purporting to have seen copies of a life membership card given Black at a meeting in Alabama bore the designation of "realm of Alabama" making it a "state affair."

**BLACK KIN SAYS
F. D. R. 'KNOWS'**

**Justice's Nephew Asserts
President Has Record
Of Klan Relations**

**By Daniel M. Kidney
Post Staff Correspondent**
WASHINGTON, Sept. 21.—The President is in possession of Justice Hugo L. Black's own version of his relations with the Ku Klux Klan, according to a nephew of Mr. Black.

The nephew, Cutler Smith, an Agriculture Department employee told the Alabama Luncheon Club at the Harrington Hotel yesterday: "I want to say this on behalf of Senator Black: He gave a state-

MAVERICK BLASTS ATTACK
By United Press.
SAN ANTONIO, Tex., Sept. 21.—Rep. Maury Maverick (D., Tex.) today denounced the fight on Associate Justice Hugo L. Black as "an underhanded political move designed to embarrass not only the President, but the Supreme Court as well."

ment regarding this matter to those who appointed him, and they haven't seen fit to make it public as yet."

He did not say whether the statement was given to the President before or after the appointment of Mr. Black to the Supreme Court. After the luncheon a Scripps-Howard reporter asked Mr. Smith to elaborate on his assertion.

"I do not want to say any more about it," he said. "Any further comment should come from Justice Black or from the President. They are the only ones who would make any authoritative statements to set-

Justice Black will return from Europe at the end of this month and may make a statement upon his arrival in Washington, his nephew suggested. But he said he had no "inside knowledge" of the new jurist's plans.

President Roosevelt said at a press conference a week ago that he did not have, prior to the nomination, any information about a connection between the senator and the Klan.

Technically eligible for court membership. This suggestion was made by Patrick Henry Kelly, attorney. And a fifth course, not so much a proposal as a prediction made in some quarters, is that nothing more would be said by Black, or by the President. Mr. Roosevelt apparently will be on the west coast when Black returns. Under present plans, he will not be back in Washington until after the court has held its first session.

The resolution was reported adversely from committee today with the statement "there is nothing now pending in respect of which the association could take any effective action." Apparently the committee took a broad position on the grounds that once he is confirmed only misconduct in office is grounds for impeachment of a justice.

Tullis, himself, moved to kill the section of the resolution concerning a five-man investigation and this was clipped off in the assembly.

Almost immediately Lessing Rosenthal, of Chicago, proposed a substitute urging public Senate hearings of future appointments.

"I think the Tullis resolution unfortunate in its present form," Rosenthal said. "If ever the Senate did not afford a public hearing, this was the time. The request of the Chicago Bar Association for a hearing was refused."

"It shows the dangers we're subjected to if a person can be nominated to the Supreme Court without hearings on his qualifications. I see in it the gravest dangers."

Arguments sprung up over whether Rosenthal's substitute could be received and it was finally offered as a separate resolution. During rapid-fire debate on that question A. L. Yantis, of Shelbyville, Ill., judge of the Illinois State Court of Claims, moved the entire Black question be "postponed indefinitely" but a standing vote defeated him 161 to 193.

Assuming the role of peacemaker, Charles M. Hay, of St. Louis, unsuccessful Democratic nominee for the United States Senate in 1928 and a supporter of Alfred E. Smith, told the assembly:

"If ever a resolution ought to receive careful consideration, this is it. 'We don't want to do anything here that will muddy the waters any further in America or do anything to cratic rule,' Hay protested, 'made possible the series of decisions of recent years, striking down great action of congress which, in the light of still more recent decisions must be held to be erroneous.'

"These erroneous decisions denied to congress the right to exercise existing constitutional powers and to that affect nullified the constitution."

The committee report which called for rejection of the resolution, "attended the views of men on controversial questions are usually those of doubt, but of conviction, resulting in honest differences of opinion."

The assembly assented to the committee's rejection of proposals to establish a Federal department of the professions, and that not less than 60 per cent of law school faculties must have at least five years of law practice.

A resolution proposing condemnation of radio broadcasting and picture-taking at the same subject was also considered.

The resolution of Edward T. Lee, Chicago, asking appointment of a special committee to aid in forming a uniform marriage and divorce code was referred, over his objections, to the

BLACK ROW DRAWS VARIED SOLUTIONS

Resignation or Impeachment Probes Suggested as Capital Waits Return

WASHINGTON, Sept. 20.—(AP) Washington, while awaiting some word from Associate Justice Hugo L. Black on his alleged membership in the Ku Klux Klan, is receiving a flood of suggestions for dealing with that situation.

Much depends, of course, upon what, if anything, Black himself has to say upon his return from Europe later in the month. To date he has studiously avoided reporters and declined comment.

The proposal most frequently discussed, and one resting upon the assumption that the case against Black has been proved, would have the President demand that the justice resign. Several critics of Black have suggested this.

Some Defend Black.

On the other hand, some prominent persons have gone to the defense of Black. Senator Reynolds, Democrat, North Carolina, said he voted for Black's confirmation and would do so again "because I know he is honest and able."

Apart from the proposed demand for Black's resignation, a second suggestion, advanced by Senator Wheeler, Democrat, Montana, would have the chief executive appoint an impartial commission to investigate the evidence and reach a conclusion on the charges.

Impeachment Mentioned.

A third idea is the uncommon course of impeachment. Chairman O'Connor, of the house rules committee, has said that, by request, he is canvassing house sentiment with regard to such action, but has not said what he has found it to be.

A fourth idea, unrelated to the Klan charges, would have the court appoint a lawyers' committee to determine whether Black is latest appointee to that high post should be ascertained by an impartial

IMPEACHMENT THREATENED IF CHARGE IS PROVED

WASHINGTON, Sept. 20.—(AP) Representative Pettingill, Democrat, Indiana, said today that if Supreme Court Justice Hugo L. Black were found to be a member of the Ku Klux Klan he would vote to impeach him.

Bar Refuses To Be Silent On Black Row

Resolutions Committee Struggles With Job Of Framing A Statement

KANSAS CITY, Sept. 30.—(AP)—The Justice Black question split the American Bar Association wide open today in an uproarious meeting climaxed by a drive for a resolution condemning judicial membership in a secret order "inspired by religious and racial animosity."

Tonight the resolutions committee struggled with the thorny task of drafting a suitable expression and tomorrow will come the vital struggle on whether agreement can be reached by the convention on a public declaration.

The bar's general assembly killed a suggestion to make a specific investigation of "the latest appointee (Hugo L. Black)" but by a narrow vote of 193 to 161 refused to drop the entire subject.

By a loud voice vote, the assembly preserved a portion of an original resolution on the Black question, coupled to it some new ideas and recommitted the whole task to the resolutions committee.

The train of events began Monday night when 73-year-old Robert Lee Tullis, former Louisiana State University law dean, introduced this resolution:

Text Of Resolution

"That it is the sense of this association that membership in a secret, oath-bound order actuated by religious and racial animosity is incompatible with membership in the Supreme Court of the United States and that the relevant facts in regard to the latest appointee to that high post should be ascertained by an impartial

committee of five created by this association."

The resolution was reported adversely from committee today with the statement "there is nothing now pending in respect of which the association could take any effective action." Apparently the committee took a broad position on the grounds that once he is confirmed only misconduct in office is grounds for impeachment of a justice.

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The assembly assented to the committee's rejection of proposals to establish a Federal department of the professions, and that not less than 60 per cent of law school faculties must have at least five years of law practice.

A resolution proposing condemnation of radio broadcasting and picture-taking at the same subject was also considered.

The resolution of Edward T. Lee, Chicago, asking appointment of a special committee to aid in forming a uniform marriage and divorce code was referred, over his objections, to the

Justice, former Senator, Hugo Black's radio statement to the American people last night concerning his affiliation with the Ku Klux Klan was clear and concise. It was straight from the shoulder and, as Albert Levitt, the former federal judge in the Virgin Islands, who has brought a suit before the Supreme Court to prevent Black from holding his place, expressed it the new Justice's statement was a "splendid statement of Black's own tolerance in all matters affecting religious freedom" and it disposed of the Klan issue.

The circumstances surrounding the statement were in Black's own words, "extraordinary" and it was entirely proper that he make such a statement. While all precedent is against Supreme Court justices making public defense of their position Black's appointment had raised a controversial issue and there can be no fault found with his appearance before the microphone to inform the American people of his position with regard to the Klan. That organization has, in the past, fostered religious and racial prejudice and the nation has a perfect right to know the attitude of the men who compose the highest tribunal of the land.

Black's appointment came as a surprise to move on the part of President Roosevelt. When the opportunity came to name a justice to the Court, numerous names were mentioned in the dispatches. There was a gasp of surprise when his name was sent to the Senate. However, close analysis should have convinced even the most skeptical that the choice was in keeping with President Roosevelt's announced desire to liberalize the Court.

Senator Black had championed the liberal causes which President Roosevelt had advocated. He had been an ardent supporter of the New Deal. Nobody had any right to expect that President Roosevelt, in his first appointment, would choose any man who was not in sympathy with

JUSTICE BLACK SPEAKS

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Black pointed to his record in public life as refutation of any charge that he had ever been intolerant in religious or racial issues. And, the record bears out that contention.

Residents of Alabama, who should know better than anybody else, have concluded that Black's record is ample reason for his appointment to the Supreme Court. The campaign against Black, using the matter of appoint-Klan as an issue, has come almost entirely from that group which has long fought against Roosevelt and his policies. It is, as Black himself said last night an effort to fan the flames of prejudice and is calculated to create racial and religious hatred.

Even the most rapid opponents of Roosevelt and the efforts he has made for greater freedom for the greatest number of them must admire the honesty and clarity of Black's statement. It should forever put an end to the Klan issue in the present controversy.

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Europe at the end of this month by Patrick Henry Kennedy and may make a statement upon his arrival in Washington. And a fifth course, not so much his nephew suggested. But he said he had no "inside knowledge" of the proposal as a prediction made in new jurist's plans. ^{some quarters} ~~beard~~ ^{and by} ~~that~~ ^{that} nothing President Roosevelt said at a more recent Black, or by the press conference a week ago that he more ~~beard~~ ^{and by} ~~that~~ ^{that} did not have, prior to the Black President. Mr. Roosevelt apparently will be on the west coast nomination, any information about ^{when} Black returns. Under press a connection between the senator and the Klan. ent plans, he will not be back i after the coun

Washington has held its first session.

To Be Silent On Black Row

WASHINGTON, Sept. 10.—Washington, while awaiting some word from Associate Justice Hugo L. Black on his alleged membership in the Ku Klux Klan, is receiving a flood of suggestions for dealing with that situation.

KANSAS CITY, Sept. 30.—(AP)—

[illegible]

On the other hand, some would like to know whether agreement has been reached between the two parties. On the one hand, some would like to know whether agreement has been reached between the two parties.

Democrat, North Carolina, said he would do so again "because I know suggestion of 'the latest appointee (H. L. Black)," but by a narrow vote."

he is now in the proposed act of 1933 to 1935. Apart from the resignation, a subject. mand for Black's advanced by By a loud voice vote, the assembly second suggestion, Democrat, Mon-preserved a portion of an original Senator Wheeler, the chief executive on the Black question, Louisiana, would have the chief executive to it some new ideas and recommendations to investigate the evidence the whole task to the resolutions to appoint an impartial commission on the matter.

The train of events began Monday night when 73-year-old Robert Tulius, former Louisiana State University, arrived this morning.

Attachment Mentioned.

A third idea is to have a third house, the House of the Future, to deal with the future of the country. The House of the Future would be composed of members of the House of Representatives and the Senate, and would be responsible for the future of the country. The House of the Future would be a permanent body, and would be responsible for the future of the country. The House of the Future would be a permanent body, and would be responsible for the future of the country.

O'Connor, or the
has said that, by request,
"That it is the sense
membership in a

A fourth idea, unrelated to the Court of the United States and Klan charges, would have the Court appoint lawyers to commit the relevant facts to that highest court, to determine whether Black is least appointee to that highest court should be ascertained by an im-

Overriding an assembly vote to drop the referendum on the house of dele-

The resolution was reported with gates closed and the association previously had gone to the committee today with gates labor. The association previously had gone to the committee today with gates labor. The resolution was reported with gates closed and the association previously had gone to the committee today with gates labor. The resolution was reported with gates closed and the association previously had gone to the committee today with gates labor.

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"I think the Tullis resolution is unfortunate in its present form," Rosen-
night concerning the Ku Klux Klan was clear and
fortunate in the present form. "If ever the Senate did not
afford a public hearing, this was the Chicago straight from the shoulder
time. The request of the Chicago straight from the shoulder
Bar Association for a hearing was re-Levitt, the former federal judge
fused.

"It shows the dangers we're sub-
jecting to if a person can be nominated the Supreme Court to preve-
to the Supreme Court without hear-
ing on his qualifications. I see in Justice's statement was a
it the gravest dangers."

Arguments sprung up over whether
Arguments sprung up over whether
Arguments affecting religious freed-
Rosesthal's substitute offered as a
poses of the Klan issue.

received and no separate resolution. During rapid passage of the debate on that question A. L. Yantis, of Shelbyville, Ill., judge of the Illinois State Court of Claims, statement were in Black's moved the entire Black question be "traordinary" and it was ent- postponed indefinitely" but a stand- he make such a statement ing vote defeated him 161 to 193.

Assuming the role of peacemaker, cedent is against Supreme Charles M. Hay, of St. Louis, unsuccessful Democratic nominee for the making public defense of the United States Senate in 1928 and a Black's appointment had supporter of Alfred E. Smith, told the versal issue and there ce

assembly:

"If ever a resolution ought to re-found with his appearance "We don't want to do anything of his position with rega further in America or do anything to That organization has, in are that will muddy the waters any, of his position with rega cratic rule," Hay protested, "made religious and racial prej possible the series of decisions of re- cent years, striking down great action has a perfect right t of congress which, in the light of stillude of the men who con more recent decisions must be held to tribunal of the land.

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Black better than anybody else, have extended that he has never been an advocate of prejudice. Even his political opponents have said that in the matter of appointment he has never indicated that his former membership in the Klan was allowed to cloud his judgment.

As evidence of the fact that Black has not been intolerant, it is only necessary to point to the fact that Congressman Mitchell, the only negro member of the House, has declared that he considers the appointment a fitting one. The editor of the Montgomery Advertiser, long regarded as a deadly enemy of the Klan and a man who was awarded a Pulitzer prize for his campaign

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Knoxville, Tenn. News Sentinel
September 16, 1937

Black-Klan Episode Maneuvers President Into a Bad Defensive

OBSERVERS OF OPINION HE HAS ONLY OWN CARELESSNESS AND INDIFFERENCE TO BLAME

Many Friends Feel Only Way Mr. Roosevelt Can 'Save Face' Is To Demand—and Get—Alabama Justice's Resignation.

By THOMAS L. STOKES
Scripps-Howard Staff Writer

WASHINGTON, Sept. 16—The Justice Hugo Black-Klux Klan episode, with all its religious and racial political implications, suddenly has maneuvered President Roosevelt into a ticklish, defensive position from which the whole remainder of his Administration may suffer.

And, in the last analysis, the same Ku Klux Klan issue raised its hydra head over the tumult at Madison Square Garden in the 1924 convention.

President, himself, must take the responsibility for it, despite the frenzied attempt here to shunt the blame in other directions—to Justice Black, himself, to Attorney General Homer Cummings, to the Senate which confirmed him.

Worried Administration friends know how the issue can be used by his enemies. They are fearful it may endanger the progressive program which Mr. Roosevelt has mapped out for his second term.

Situation Serious
Some analysts go so far as to hint that this one incident will mark a turning point in the President's fortunes and the legendary "Roosevelt luck."

No one here discounts the seriousness of the revelations that the man chosen for the Supreme Court—the only selection Mr. Roosevelt has made—was and, according to the allegations, still is a member of the hooded order which tyrannized citizens in many localities in the early and middle twenties and fed its flaming fires with religious and racial bigotry.

Especially alarmed are party veterans who saw their forces divided into two bitterly hostile

the prospective justice's Klan affiliations. Veiled intimations came from the White House that the Senate is to blame.

But to one person, finally, the blame is traced—to the President himself.

Students of Mr. Roosevelt the political leader have found weak points in his armor, along with many strong points, a casualness, a carelessness, a cleverness, a sort of abandon—slightly reckless at times—an apparent delight in the sudden surprise, a tendency not to count the cost, not to consider every possible result, an imperviousness to criticism, which they see intensified since his overwhelming re-election in November—a heady draft, it is true, for any political leader.

'Packing' An Example
This is exemplified in the way in which the Supreme Court "packing" plan was presented, the failure to consult his congressional leaders, his blunt refusal to compromise when his leadership, after careful canvasses, informed him he could have won two additional justices at one stage of the battle.

The story of the Black appointment typifies this method. After his crusade to enlarge the Supreme Court had failed, the nation waited for Mr. Roosevelt's first practical test in picking a Supreme Court judge—his selection of a successor to Justice Van Devanter.

The panel from which he could select was large, containing the names of brilliant liberals who had won public confidence, either on the bench, in Government service, or at the bar, men with splendid records. He had plenty of time. Justice Van Devanter retired June 2. The appointment was made August 12, over two months later. Recommendations were plentiful.

Justices Ruled Out
The President circumscribed the panel by limitations, geographically that the appointment must go to the West, Middle West or South, and the South finally being selected, and that it should go to a Senator if one was available because that would help confirmation over the blockade of bitterness built up through the long fight over the "packing plan."

Blame On FDR
The search for a scapegoat turns hither and thither. Some choose to blame Attorney General Homer Cummings for failing to turn up

According to the inside story, the choice finally narrowed down to three men—Senators Black and Minton (Ind.), and Stanley Reed, Solicitor General of the United States who had been in charge of presenting Government cases to the Supreme Court. Ruled out were several Circuit Courts of Appeals justices from whose ranks some thought the choice should be made.

A New Dealer
Senator Black had a straight New Deal voting record, but he had won his fame, and much antagonism in some circles, by his inquisitorial activities. He was criticised for lack of judicial temperament.

Administration lieutenants insisted on haste in confirmation. At the outset, the Ku Klux Klan rushed up. But they were brushed aside, though some Senators insisted upon a thorough investigation, notably Senator Burke (D., Neb.), who said he had witnessed in Washington what would testify to the appointee's for.

Backs Black
Since the charges have been reopened Justice Black has said nothing except to issue a statement that he had nothing to say, and now President Roosevelt awaits his return from abroad before the next move in what has become a sensational chapter in American political history.

Violates Custom
Charles Elmer Cropley, clerk of the Supreme Court, said that Mr. Black had taken the specific oath required of Supreme Court justices "sometime between Aug. 24 and Aug. 29. It had been known that Black took the general oath all requirements of law, Mr. Cropley said. The Justice Department said that Mr. Black's oath was filed with the department's appointment

Black Takes High Court Dual Oath in Secret
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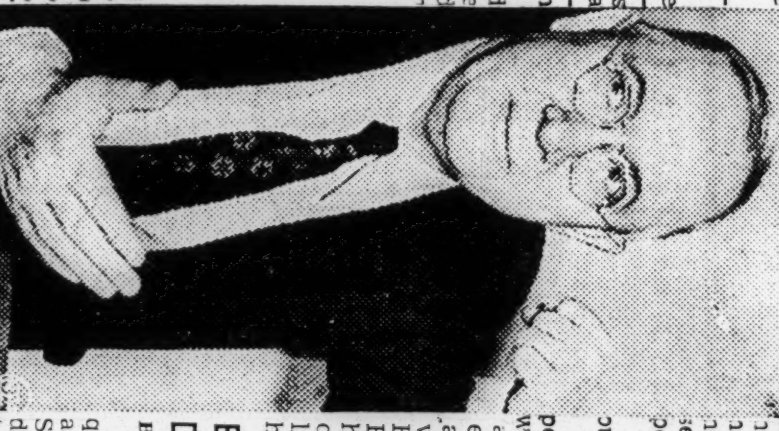
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HIRAM W. EVANS... Big S
chief of Ku Klux Klan who re-n
fuses to say whether Black was a
a member of the shrouded



Ducats Duck

Since the charges have been re-

ance may never be known.

A Serious Dilemma

next move in what has become a sensational chapter in American political history.

ous dilemma.

However he acts, a dangerous political issue has been raised. He would wipe out his original act of appointment if he boldly demanded Justice Black's resignation—and got it. His embarrassment would be lessened somewhat if Mr. Black should voluntarily resign. However, that is not expected to happen. And regardless of the outcome, Mr. Roosevelt's foes, political and otherwise, will never let him forget his mistake.

Black Lakes High Court

Dual - Dual in Secret

WASHINGTON, Sept. 16. — All

day by disclosure that he had

The disclosure came as the Pittsburgh Post-Gazette and the

clerk just before Mr. Black sailed for Europe. He now is on the Government payroll as a member of the Supreme Court.

Friends Surprised

Cropley said that the Justice Department had a prepared form in which the two required oaths were combined. It was this form that Black signed. The disclosure came as a surprise. Mr. Black's friends had intimated that he would not take the specific oath

custom, new Supreme Court justices take the specific oath in the court's robing room just before going onto the bench for the first time. It is customarily administered by the Chief Justice.

Mr. Black took a combined oath before Charles F. Page, financial clerk of the Senate, which satisfied all requirements of law, Mr. Copley said. The Justice Department said that Mr. Black's oath was filed with the department's appointment

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Aug. 19. By

Violates Custom
Charles Elmer Crompton, the Supreme Court, said Black had taken the oath required of Supreme Court justices "sometime between and Aug. 29. It had been that Black took the general swearing to uphold the constitution, which is required of government employees, on Aug.

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until the court convened.

The Administration continued its absolute silence concerning the charges that Mr. Black is a life member of the Klan. President Roosevelt had announced Tuesday that he would make no comment

He's Kluxer



BIBB GRAVES... Alabama's Governor joined Klan and admits it.

until Mr. Black returned to this country from his vacation, and yesterday Attorney General Homer S. Cummings cancelled his press conference. In England, Black continued to refuse all comment.

World Watches

The controversy assumed an international aspect. The London Daily Express, after a trans-Atlantic telephone conversation with Imperial Wizard Evans in Atlanta

quoted him as having said that he had told President Roosevelt that Mr. Black was not a member of the Klan. In Atlanta, Mr. Evans said that he had been misquoted. He said he had not told the President anything about Mr. Black.

Other London newspapers took notice of the charges and of Mr. Black's presence in England.

The Pittsburgh Post-Gazette's fourth article quoted what it said was a stenographic record of Mr. Evans' speech, delivered at the Klan's Montgomery, Ala., kloring at which Mr. Black and Bibb Graves, now governor of Alabama, allegedly accepted life memberships. Mr. Evans purportedly said, in part:

"The fact that we are native-born, white, Gentile, Protestants entitles us to supremacy and to lead.

Raps Catholics

"So let's get the country into the hands of that kind of people, a life member of the Klan. President Roosevelt had announced Tuesday that he would make no comment

There has been no state Paper Which Backed

Black Demands He Clear Name of Charge

(By United Press)

CHICAGO, Sept. 16—The Chicago Times, which supported Justice Hugo L. Black for nomination to the U. S. Supreme Court, asked him in an open cablegram-editorial today to "speak up" regarding published charges he is a member of the Ku Klux Klan.

"Mr. Black's refusal to talk comes with bad grace from one who has subscribed to the Roosevelt philosophy: 'Let nothing alone that is wrong.'" The Times asserted. It said if Mr. Black is "committed by existing obligations to the Klan... he is no proper incumbent of the Supreme Bench."

"Justice Black owes a complete statement to the public," The Times said. "He should return to this country so that public sentiment may be fully informed before the time arrives for him to take his place on the court."

man up to now to suggest in the form of a government a single improvement upon the government laid down by our Protestant forefathers.

"Do you know they vote the Roman Catholic in New York? They vote him exactly like you number horses out here.

"Do you know what they could do? Why, they could brand them and cut their ears like we cut the ears of cattle and hogs in Texas. If they wanted to, they could mark them so they could look on the ear and see whether or not he was a Catholic. They could do it in New York without a word. They could do it in Chicago without a word."

It's Klan Program

"We are going to see whether the progress through the succeeding years of this century will be a progress toward centralized hierarchal control of government and religions or whether we will have the great open spaces continue to provide

the thought and the direction for this great free nation.

"That is the Klan program. We are here to preserve America and to do it is a genuine fight and I don't mean maybe. It is a genuine hard fight. Well, you say, it isn't here in Alabama.

"No, the Catholic hasn't any chance to control Alabama. And the Negro hasn't any chance to control Alabama. There isn't a Negro in Alabama that dares open his mouth and say he believes in social equality of the black man and make public that he wants social equality.

"But, bless your soul, up in New York that National Association for the Advancement of the Colored Race adopts as its slogan that it believes in social equality....

"They can preach that into the ears of those northern people as much as you please but the first thing you know there are not going to be any Negroes north of the Mason and Dixon line except those headed in this direction, and just behind them will be the Yankees

"Down here we don't hate the Negroes as Negroes. But up North they hate all Negroes.... We haven't got a bit of that down here, for we control the situation. But that is a problem that must be met. And you must continue the propagation and the circulation of that great fundamental of Klancraft—white supremacy."

Birmingham, Ala., Age-Herald
September 25, 1937

Expediency

Six Birmingham men of varied religious, racial and economic background, but all honorable, respected citizens were sitting around a table discussing the plight of Mr. Roosevelt and Mr. Black in the current Ku Klux Klan controversy.

Although four of the men said they had never voted for Mr. Black and were against his general political policies and two expressed confidence in his policies, all agreed that Mr. Black's only sin, if any, in his alleged affiliation with the Klan, would have been expediency.

Someone asked: "What would you do if you were in Mr. Black's shoes now? How would you explain it?" Five of the men who condemned expediency in politics told how they would go beating about the bush "to explain it," thereby proving their adeptness and personal use of expediency when hard pressed.

The sixth respected, honored citizen disagreed.

"I'd be frank about it and if I joined the Klan I would say so," he said, "and then I'd say that I quit as soon as I learned that I couldn't stand for the principles of the Klan," thereby

proving himself as adeptly expedient as any of his companions.

Sharply Divergent Comment Greet Associate Justice's Klan Address

John L. Lewis Jubilant;

Bloom Says 'We're Still

atlas **10-2-37**

By the Associated Press.

Comment last night on Associate Justice Black's radio address showed sharply divergent reactions.

John L. Lewis, chairman of the CIO, lauded the speech as a "powerful and straightforward statement."

"It defines the creed of all Americans, as well as that of Justice Black," he added.

Senator Glass, Democrat, Virginia, said he still didn't think the

"A GREAT JUSTICE," RUSSELL ASSERTS

AUGUSTA, Ga., Oct. 1.—(AP) Although he did not hear the address of Justice Hugo L. Black, Senator Richard B. Russell Jr., Democrat, Georgia, said here tonight, "I know there is no intolerance in the makeup of Black.

"He will make a great justice, I believe," Russell said.

appointment was "a fit one." "He said nothing that changed my conception of what should be the type of person appointed to the supreme court."

Fellow justices on the supreme court had no comment.

Senator Thomas, Democrat, Utah: "I think we ought to take him at his word and accept it 100 per cent."

"Still in a Fog."

Representative Bloom, Democrat, New York: "It seems to me we are as much in the fog as ever. It was 15 minutes of words that haven't enlightened me at all."

Representative May, Democrat, Kentucky: "The speech was very appropriate and extremely gratifying to me. I think the whole nation will accept it gladly."

Representative McReynolds, Democrat, Tennessee: "I can hardly see how anyone can criticize further."

"A Great Man."

Senator George L. Berry: "I think the speech was characteristic of a great man."

Senator Borah, Republican, Idaho: "Nothing is to be gained by the discussion. I hope the subject will be dropped."

John E. Edgerton, president of the Southern Industrial Council: "I have never considered Black

a big enough man for the supreme court, but tonight he made a statement as forthright and as clean as could have been done under the circumstances."

Senator Wheeler, Democrat, Montana: "I think the speech was a fine explanation. I am sure he will do his utmost to decide matters that come before him fairly and conscientiously."

Senator O'Mahoney, Democrat, Wyoming: "A frank and satisfactory statement which ought to be and I think will be, accepted by the country." Senator O'Mahoney was one of the opponents of President Roosevelt's supreme court measure.

Postmaster General James A. Farley: "Justice Black's radio address tonight speaks for itself."

Senator Connally, Democrat, Texas: "I have always opposed the Klan. Justice Black tonight frankly admitted he had been a member. Like many others who, on reflection, realize their error, he stated he resigned and abandoned it. Former membership in the Klan is not an impeachable offense. It seems to me the incident is closed."

Senator Millard Tydings, Maryland: "I voted against Black's confirmation. After hearing his speech, I have nothing to add or subtract from that position."

Representative Bertrand Snell, New York, Republican minority leader of the house: "This is purely a Democratic row and I am perfectly willing to let the Democrats settle it for themselves, if they can."

Senator Edwin C. Johnson, Democrat, Colorado: "I am glad he was so frank."

Senator David I. Walsh, Democrat, Massachusetts: "In addition to his public utterances tonight it would have been magnanimous of Mr. Justice Black had he tendered his resignation to the President for his approval or disapproval in view of the facts now disclosed and of which the President and

Ku Klux Klan - 1937

BLACK'S NEIGHBORS SAY HE WAS A KLANSMAN, ALL RIGHT

Some Declare They Had Photostatic Copies Of His Life Membership Card; Details Of Incident Are Described; Others Doubt It

Robert N. Bell, insurance salesman and member of the Alabama Democratic Executive Committee, said today he at one time possessed a photostatic copy of a life membership card in the Ku Klux Klan given to Hugo L. Black, associate Supreme Court justice.

Mr. Bell said he was given the copy by Oscar Kilby, son of former Gov. Thomas E. Kilby of Anniston, in the senatorial campaign of 1932, when Mr. Kilby opposed Senator Black's bid for re-election.

Mr. Bell, who campaigned for the former governor in the 1932 race, said the card was made out to Senator Black in September of 1926 and was signed by James Esdale, the then grand cyclops of the Alabama Klan.

Mr. Bell said he destroyed the copy about a year ago. "I am positive it was an authentic copy of the original life membership card given Senator Black shortly after he was elected senator in 1926," said Mr. Bell.

"I have no personal ill will against Mr. Black. These simply are facts I have stated." Former Governor Kilby said he also had a photostatic copy of the life membership given Mr. Black, but that he had misplaced or lost the card and now cannot find it.

Winston Williams, Birmingham, N. J., where they are attending the annual Governors' Conference. Of Black's reputed Klan affiliation, Graves said:

"I've heard it talked about, but so far as I know there's nothing to it. There's no a thing in the world I could say I'll have to ask him about it."

As for himself, the governor said he had no personal sympathy for the Klan nor any suspicion of ever having been close to it. "I know that two-thirds or more of them always voted against me," he said.

Efforts to reach Black in London, where he is vacationing, still were of no avail. He remained in strict seclusion, leaving instructions at his hotel that he wanted to receive no visitors. The hotel telephone switchboard refused to accept any calls even transatlantic ones from the United States.

Evans Denies Black

The senator added last night that his Democratic primary opponent, Jeremiah T. Mahoney, had, by proclaiming himself a "100 per cent New Dealer, tarred himself with the stick of the K. K. K." Mahoney replied that injection of the issue into the municipal campaign was "inexcusable," said that "even as recently as Aug. 17, I denounced the Klan as a bigoted and un-American organization."

Imperial wizard of the Klan, Hiram W. Evans, of Atlanta, who denied yesterday that Black was a member of the organization, was present at the Birmingham ceremony at which Black accepted life-membership. The Post-Gazette's second article said.

The article said the meeting was the fourth Klorero of the Realm of Alabama, organized to celebrate the Klan's victory in the 1926 Democratic primaries, and it added that every one present knew that "this Klorero was to center about the two men soon to assume the highest offices within the gift of the people of Alabama—United States Senator-Nominate Hugo L. Black of Birmingham and Governor-Nominate Bibb Graves of Montgomery."

His (Black's) record of public service and selection on two occasions by the State of Alabama as United States senator made his suitability beyond question.

Another Justice Department official explained that Black's appointment was "for life," that the Senate had confirmed it, and that the Senate could not now reconsider that action. Sen. William H. King (D., Utah), who voted against confirmation, said membership in the Klan could not be "an impeachable offense," and Sen. Edward R. Burke (D., Neb.), who had raised the Klan issue at the time of Black's appointment, agreed, saying of limitation. In other words, we as your fellow Klansmen and he as your grand dragon would have you both realize that they are good as you are good and that your fellow Klansmen of the Realm of Alabama will put the date of re-investment upon those certificates for campaign. Former Gov. Alfred E. Smith planned to discuss Black's such action necessary and not until appointment tonight in an address.

In behalf of the candidacy of Sen. Royal S. Copeland, who is seeking both the Republican and Democratic nominations. Copeland already had described the Post-Gazette's article as "shocking," and had declared that he and the Supreme Court must find a way "to keep this man out of the black robe of the Klan in the dark by night."

The "expose" prompted vigorous debate throughout the country, however, and even became an issue in the New York City mayoralty campaign. Former Gov. Alfred E. Smith planned to discuss Black's such action necessary and not until appointment tonight in an address.

The writer said Graves accepted the proposal of Sen. David I. Walsh (D., Mass.) and others that Mr. Roosevelt persuade his appointee to resign should the charges be proved, Glass said: "The senators know perfectly well that President Roosevelt is not going to ask Black to resign from the court."

The Post-Gazette printed what it said was a reproduction of excerpts from the minutes taken by the "Klorero," quoting Black's speech, in part, as was pointed out that the President would have no right to demand

follows:

"My friends, it is my sincere trust that to the members of this organization in the future, as in the past, I will be 'Hugo Black.' I prefer that to the title—from my friends."

"This passport which you have given me is a symbol to me of the passport which you have given me before. I do not feel that it would be out of place to state to you here on this occasion that I know that without the support of the members of this organization I would not have been called, even by my enemies, the 'junior senator from Alabama'."

FURORE WON'T UNSEAT BLACK, GLASS STATES

Klan Issue Is No Grounds For Impeachment From Court, He Says

PRESIDENT CAN'T ACT

Belief Is That Appointment Will Stick In Spite Of Bitter Controversy

WASHINGTON, Sept. 18.—Sen. Carter Glass (D., Va.) expressed belief today that President Roosevelt would avoid asking Justice Hugo L. Black to resign from the Supreme Court because of his purported relations with the Ku Klux Klan.

While refusing to comment on the charges against Black or to take part in the controversy, Glass indicated that he believed it would be futile to investigate the case now.

In reply to a question regarding the proposal of Sen. David I. Walsh (D., Mass.) and others that Mr. Roosevelt persuade his appointee to resign should the charges be proved, Glass said:

"The senators know perfectly well that President Roosevelt is not going to ask Black to resign from the court."

The belief was reflected in usual, well-informed capital sources. It was pointed out that the President would have no right to demand

Black's resignation. At the same time, statements were issued by the Republican national committee, deploring the chief executive's "difficult problem," and by Jouett Shouse, chairman of the Liberty League, saying it was "incredible" that the President was not familiar with the "popular listing" of Black as a Klan member.

Glass, who voted against the confirmation of Black, said that he did not consider the charges grounds for impeachment.

Sen. Tom Connally (D., Tex.) said that there was no power to remove Black except through resort to "improbable" impeachment proceedings.

'Politics' Is Charged

Connally said that the furore was "politics . . . and effort to embarrass the President" and that Mr. Roosevelt "ought not to be expected to undertake to influence a member of the court by putting pressure on him to resign."

Meanwhile, the final installment of the "expose" of The Post-Gazette, copyrighted, like the others, by the North American Newspaper Alliance, which started the entire controversy, presented the affidavits of Alabamians who said they had attended the state convention of the Alabama Ku Klux Klan in 1926 and saw Justice Black and the present governor of Alabama, Bibb Graves, receive "gold passports"—life memberships in the Klan.

Although the proposal of Sen. Burton K. Wheeler (D., Mont.) for a Senate investigation of the case appeared to have considerable support, it was said in well-informed circles that a letter written to the Supreme Court by Patrick Henry Kelly, Boston lawyer, demanding that Black be barred until an inquiry had been made by a committee of lawyers, probably would be ignored by the high tribunal.

Hopes For 'Solution'

"As Americans," the Republican National Committee said in a statement by Chairman John Hamilton "we must all hope that Mr. Roosevelt will be successful in finding a solution of this difficult problem compatible at once with the dignity of the Supreme Court and of his own high office."

"I remember distinctly when he (Black) was elected to the Senate his election was hailed as a great Klan victory," Shouse said. "Mr. Roosevelt, then as now keenly interested in politics, was unquestionably familiar with the popular listing of Mr. Black as a Klan senator."

"It seems incredible that these circumstances could have escaped Mr. Roosevelt's mind when he was considering Mr. Black for the Supreme Court."

Alabama

Supreme Court Justice Hugo L. Black

Alabama Klansmen Sign Affidavits To Black's Membership in Order

Imperial Legal Adviser of Hooded Band Hurls Warning at Catholics, Jews, Negroes; Congratulates Fellows on Choice of U. S. Senator.

This is the sixth and last in a series of articles in which are disclosed the facts about the Ku Klux Klan membership of Hugo L. Black, which was charged in Senate debate on appointment of the Alabama senator as an associate justice of the United States supreme court.

By RAY SPRIGLE.

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BIRMINGHAM, Ala., Sept. 17.—

Nine orphaned children, paraded across the stage in the great hall of the klavern of Robert E. Lee Klan No. 1 in Birmingham where the klorero of the realm of Alabama was held September 2, 1926, afforded the sole touch of pathos to the sessions of the leaders of the robed and hooded order who boast that they had elected Hugo Lafayette Black as United States senator and Bibb Graves as Governor.

The little orphans were brought to the klorero by Klanswoman Virginia Mayfield, of Birmingham, as living evidence that the klavern was functioning not only for the present but for the future and that a succeeding generation of klanswomen and klansmen was in the making.

These nine children were inmates of the Ku Klux Klan orphanage in Birmingham. Klanswoman Mayfield explained their presence before the klorero.

Not Like Others.

"We are not like some organizations that only take their kind of people," Klanswoman Mayfield told the klansmen. "For instance, the Catholics are doing a wonderful work. They take Catholics' children only, however. The Methodists are doing a wonderful work but they take Methodist children only. The Baptists do likewise."

"The Catholics take only Catholic children; but our home is open to all children, even though they be Catholics we would take them in, hoping that when we got them young we could teach them the right way and that before we got through they would be Protestants." At this point the official record notes (applause).

"You know the old saying, 'Train up a child in the way it should go and when it is old it will not depart therefrom.'"

"And I pay tribute to you, sir, and through you to these klansmen who made that condition possible because today America has been challenged and the man known as Al Smith who seeks the presidency of the United States lowered the dignity of that high office by bowing the knee to a foreign potentate and kissing the ring upon his finger. Men, it is those conditions which the klavern is called upon to correct."

Men, Action Needed.

"Men, there never was a time in the history of our country where the need for men and the need for action was so pronounced as it is today. America, the home of the free and the brave, has been invaded by large hordes of foreigners that have neither the inclination nor the training to love our institutions and our flag."

"I remember when quite a boy we had a scare in America about the time the Catholics as an institution—and I am attacking none of them personally for I have only sympathy in my heart for the Catholic, man or woman—but when a boy we had the scare in America that the Catholics were about to organize an armed invasion."

"And many of you men remember that in many of the churches and in many of the hospitals that faith, coffins were sent loaded with munitions of war and you'd withhold my name."

"The Catholic hierarchy has been driven from every country on the face of the earth save Mexico and America as a political machine. Now catch my distinction. These countries that found it necessary to break the control of the body politic that the Catholic hierarchy had, have broken that control except in Mexico, and when recently the Pope had, or caused to visit the shores of America his representative at the eucharistic congress, it was done as a part of his political plan to plant the seed of his faith in America that it might ultimately be the home of the Catholic church and at the same time challenge the supremacy of the klavern. Are you going to permit it?" shouted the imperial legal adviser and the stenographer records the temper of that gathering with (cries or no, no).

"Well if you are not going to permit it, gentlemen, in 1928, give us—be sure to give us a delegation that will send back to the confines of Hades any man that lowers the dignity of the United States to kiss the ring of any foreigner."

Little Stigma to Klan.

In Alabama there is little if any stigma attached to membership in the klavern, either past or present. It is easy to find scores of klansmen, some of them still members of the hooded order, others who have let their memberships lapse, who pridefully recount the details of the 1926 klorero which they attended.

The Rev. W. C. Vest, Baptist clergyman, widely known throughout the state, had no hesitancy in making affidavit testifying to the fact that he had attended the 1926 klorero of the Klan and saw Senator-nominate Hugo L. Black receive the golden grand passport that made him a life member of the klavern. The Rev. Mr. Vest was for years pastor of the Cool Springs Baptist church near Ash-

Black Row Persists

Glass Shuns Klan Issue; Pepper, Andrews Move To Defend Alabama Justice

WASHINGTON, Sept. 18.—(P)

President Roosevelt faced westward tonight with fight in his eyes. He prepared tentatively for at least one major speech on his journey across the continent, then packed his bags, arranging for a few days at his Hyde Park home before taking to the road with all of the trappings of a hot campaign year.

A clear indication of what may be expected in the back platform appearances, the numerous short talks and the speech that mark his trail across the country had already been given in his Constitution Day speech. In that he had renewed his indictment of the Supreme Court, urged that the country be loyal to the constitution and "not to its misinterpretations," warned that danger of dictatorship walked arm in arm with laggard social reform.

Even as he spoke, making no mention of the raging controversy over charges that Hugo L. Black, his newly named associate justice of the Supreme Court, was a member of the Ku Klux Klan, new statements in that wordy combat were in the making.

Senator Carter Glass, of Virginia, a Democrat who has often had his tilts with the New Deal, said at Lynchburg he had no idea that anything could, or would, be done by anyone to remove Black from the court.

"It is now a waste of time to be talking about it," Glass said. "My vote against the confirmation of Senator Black for the Supreme Court reflects then and now by judgment of the utter unfitness of his nomination, regardless of the Ku Klux Klan charges."

From Senator Loneragan (D), Connecticut, came a statement saying judgment should be withheld until Black spoke. "The first responsibility of nominations rests with the President making them," he said.

"If a fair hearing discloses that Justice Black is a member of the Ku Klux Klan, he should resign from the Supreme Court or, in fairness to the President and the Senate, make a statement repudiating the principles of the Klan."

"If he fails to do so I think Congress should take action on the ground of concealment of a material fact."

But from Senators Pepper and Andrews (D), Florida; Russell (D), Georgia, and Schwartz (D), Wyoming, came statements praising Black and saying the charges originated with confirmed enemies of the administration.

Whatever Mr. Roosevelt's feelings on the subject, he said no word as he worked over the final details of his itinerary for the Western trip, though in his last night's speech he had said with some emphasis strong words

President's Foes Facing Ire On Trip

'Fight In Eyes' Reveals Roosevelt Plans For Fiery Speech Series

been tentatively set down are at Bonaville, Fort Peck and Grand Coulee, court plan. The President feels strongly on that subject and he speaks easily. The present government of the United States has never taken away from any of the Yellowstone National Park. He will be a minority which so abuses its liberty from any minority, unless it spend two nights and a day in Se-erty as to do positive and definite harm to its neighbors constituting the majority," he said. The final plans for the trip to the Pacific coast will be worked out at Hyde Park. He leaves there Wednesday. Thus far the stops that have yet across the home states of sev-

This image shows a blank, aged, cream-colored page, likely an endpaper or flyleaf of a book. The paper has a slightly textured appearance with some faint smudges and discoloration, characteristic of old paper. The left edge of the page shows the binding of the book.

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CHICAGO, Sept. 17.—The Chicago Times, which supported Justice Black for nomination to the U. S. Supreme Court, asked the Supreme bench "to speak up" today in an open cablegram-editorial "Justice Black owes a complete statement to the public," The Times insisted. "He should return to this

REVIVED ISSUE MAY OPEN OLD SPLIT IN DEMOCRATIC PARTY

Leaders Tremble With Refreshed Memories Of Nightmare

They Had In 1924—Some Administration Leaders Are Bitter Against Justice Black

By Thomas L. Stokes
Scripps-Howard Special Writer

WASHINGTON, Sept. 17.—The Justice Hugo Black-Ku Klux Klan episode, with all its religious and racial political implications, suddenly has maneuvered President Roosevelt into a ticklish, defensive position from which the whole remainder of his Administration may suffer.

And, in the last analysis, the President, himself, must take the responsibility for it, despite the frenzied attempt here to shunt blame in other directions—to Justice Black, to Attorney General Homer Cummings, to the Senate which confirmed him.

Worried Administration friends know how the issue can be used by his enemies. They are fearful it may endanger the progressive program which Mr. Roosevelt has mapped out for his second term. Some analysts go so far as to hint that this one incident will mark a turning point in the President's fortunes and the legendary "Roosevelt luck."

Senators Switch

No one here discounts the seriousness of the revelations that the man chosen for the Supreme Court—the only selection Mr. Roosevelt has made—was and, according to the allegations, is still a member of the hooded order which tyrannized citizens in many localities in the early and middle twenties and fed its flaming fires with religious and racial bigotry.

Especially alarmed are veterans who saw their forces divided into two bitterly hostile camps for several years after the same Ku Klux Klan issue raised its hydra head over the tumult at Madison Square Garden in the 1924 convention.

The seriousness of its sudden revival is attested in the numerous secret conferences now going on here in high places. Panicky Democratic strategists get news of one Democratic senator after another deserting the cause of their former colleague for whose confirmation they voted only a few weeks ago. This shows how deep the Klan issue still reaches politically.

Scapegoat Sought

Resentment of Administration leaders is turned, almost venomously, against Justice Black. Unpleasant things are being said about him as he maintains his silence abroad and dodges newspaper reporters.

ator Black was a member of the Klan," he told the Senate. "No one has suggested any source from which such evidence could be gathered.—We know that Senator Black has said in private conversation not since that matter came up but at other times, that he was not a member of the Klan."

Senator Black did not sit at his seat in the Senate during the debate, but he knew what the Idaho senator had said.

Which Way Out?

President Roosevelt knew, from the newspapers, of the Klan rumors. But he did not call the senator to the White House during the debate and inquire about these charges.

Senator Black had opportunity to advise the President before he accepted the appointment. He was notified personally that he had been selected in a conference with Mr. Roosevelt at the White House the night before his name was submitted to the Senate.

What was said in that conference may never be known.

President Roosevelt is in a serious dilemma.

However he acts, a dangerous political issue has been raised. He would wipe out his original act of appointment if he boldly demanded Justice Black's resignation—and got it. His embarrassment would be lessened somewhat if Mr. Black should voluntarily resign. However, that is not expected to happen. And regardless of the outcome, Mr. Roosevelt's foes, political and otherwise, will never let him forget his mistake.

If he lets the justice remain on the bench without an attempt to force him off, there is created a political issue which might plague Democrats for a long time to come, just as did the Klan issue when raised at Madison Square Garden.

HIGH COURT TO FACE ISSUES ON BLACK

Session, Fast Approaching, Must Act on Motion About Eligibility.

WASHINGTON, Sept. 18.—(UP)—The supreme court, assembling two weeks from Monday for its first session of the new term, moved tonight toward the climax of a political and legal drama unprecedented in its long annals.

Facets of the drama reached deep into the historical and judicial background of the high tribunal and its ramifications in national politics bore potentialities as yet unestimable.

Central figure in the drama is Justice Hugo Black, who resigned his seat as senator from

Alabama after newly nominated and confirmed in the closing days of congress to fill the supreme court post vacated by retirement of Justice Willis Van Devanter.

Three issues center on Black, two of them likely to require direct action by the court itself.

Questions Faced.

These are:

1. Was Black and is he now a member of the Ku Klux Klan?

2. Is Black constitutionally eligible to a supreme court justiceship in view of the fact he was a member of the congress which enacted the supreme court retirement act?

3. Was a constitutional vacancy created on the court by Van Devanter's action in availing himself of the terms of the retirement act? The first question, concerning Black and the charges of Ku Klux Klan membership does not involve the supreme court directly. What the outcome of the charges may be is not known. President Roosevelt has announced he will not comment on the situation until Black returns from Europe. Thus no action is anticipated until after the court's first session October 4. Black is expected to sail for the United States from Ireland September 25, arriving here less than a week before the court's initial meeting.

Issues Before Court.

The second issue involving Black's constitutional eligibility is directly before the court in the form of a motion filed August 17—the day before Black took his supreme court oath of office. The motion was made by Albert Levitt, resigned Justice Department official.

Levitt points out that the constitution bars members of congress from offices the emoluments of which are increased by the congress in which the member sits. He contends the retirement act increased the emoluments of a supreme court justice. Hence, since Black was a member of the congress which enacted the statute, he believes him debarred from court membership.

U. S. PAYS \$666.66 TO JUSTICE BLACK AS STORM GROWS

Liberty League Charges Roosevelt Must Have Known of Alabama's Purported Link to Klan

WASHINGTON, Sept. 17.—(UP)—

The government already has paid Hugo L. Black 12 days salary as a justice of the supreme court.

The Justice Department disclosed today that it had mailed him a check for \$666.66 at his office in the senate office building, covering the period from the time he took the oath of office on August 19, to the end of that month.

Meanwhile, the American Liberty League, virtually dormant since the election of last November, returned to the political war:

The sixth and concluding article in a series concerning Associate Justice Black and the Ku Klux Klan will be found in page 5. Today's installment declares Klansmen are ready with affidavits to prove Black was a fellow member.

with a statement contending that President Roosevelt must have known of Black's alleged Ku Klux Klan connections when he appointed him.

At the same time, Senator Bankhead, Democrat, Alabama, issued a statement in Jasper, Ala., denying he assured his senate colleagues, prior to the vote on confirmation, that Black was not a member of the Klan.

Asks Investigation.

A fourth development was the receipt of a letter of the supreme court from Patrick Henry Kelly, a Boston attorney, asking that a committee of lawyers be appointed to determine Black's eligibility.

The Liberty League statement was issued over the signature of its president, Jouett Shouse.

"Mr. Roosevelt was a prominent member of the Democratic convention of 1924, to which I also was a delegate," Shouse said. "All who were there must vividly recall the bitter controversy that arose over the Ku Klux Klan."

"I have no personal knowledge as to whether Mr. Black is now or ever has been a member of the Klan. But I remember distinctly when he was elected to the senate from Alabama in 1926, his election was hailed as a great Klan victory."

'Unquestionably Familiar.'

"Mr. Roosevelt, then as now, keenly interested in politics, was unquestionably familiar with the popular listing of Mr. Black as a Klan senator. It seems incredible that these circumstances could have escaped Mr. Roosevelt's mind when he was considering Mr. Black for the supreme court."

"If they did, then Mr. Roosevelt's memory was surely refreshed by the specific charge in the senate debate over the Black appointment that Mr. Black had

been affiliated with the Klan. In that event, even if there were a vacancy in the Ku Klux Klan, as a member of the senate, his latter contention was based on the constitutional clause prohibiting the appointment of a member of congress to an office if resignation, said Wheeler, fieldit all over again because I know

gentleman of the highest character, true, theter," said Reynolds. "I voted for Black's confirmation and I would do so again because I know

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ator Black was a member of the Alabama after new nomination Klan," he told the Senate. "Not confirmed in the closing days one has suggested any source from of congress to fill the supreme which such evidence could be gath-court post vacated by retirement ered.—We know that Senator Black of Justice Willis Van Devanter has said in private conversation Three issues center on Black, not since that matter came up but two of them likely to require di- at other times, that he was not erect action by the court itself. member of the Klan."

Senator Black did not take any Questions Faced.

President Roosevelt knew, from the newspapers, of the Klan rumor. But he did not call the congress which enacted

created on the court by Van De-
Senator Black had opportunity to vanter's action in

advised the President before he acted on the terms of the retirement act? He was notified personally that he had been Black and the charges of Ku Klux selected at a conference with Mr. Klan membership does not involve Roosevelt at the White House the supreme court directly what right before his name was submitted.

President Roosevelt is in a serious dilemma. However he acts, a dangerous issue has been raised. The outcome of the charges may be not known. President Roosevelt has announced he will not comment on the situation until Black returns from Europe. Thus no action is anticipated until after the court's first adjournment.

His embarrassment would be the court's initial meeting.

Issues Before Court.

—the day before Black took his

bench without an attempt to force him off, there is created a political issue which might plague Democrats for a long time to come. Levitt points out that the congressional committee bars members of Congress from offices the emoluments of which are increased by the Congress in which the member sits. He contends the retirement act increases the emoluments of a

gress which enacted the statute was a

U.S. PAYS \$500000

SHINGTON, Sept. 18.—
The supreme court, assem-
bled two weeks from Monday for
a session of the new term.

AS SILENT FILM

the historical and indi-

Roosevelt Must Have Known of Alabaman's Purported Link to Nazis

WASHINGTON, Sept. 17.—(AP)—The government already has paid Hugo L. Black 12 days salary as a justice of the supreme court.

The Justice Department disclosed today that it had mailed him a check for \$666.66 at his office in the senate office building.

overing the period from the time he took the oath of office on August 19, to the end of that month. Meanwhile, the American Liberty League, virtually dormant since the election of last November, is now in full political activity. Its position is a curious one. It is not characterized by any particular devotion for or against any one man. It would do anything to get rid of Mr. Roosevelt. I know

The sixth and concluding article in a series concerning Associate Justice Black and the Ku Klux Klan will be found in page 10 of this issue.

Today's installment declares that "in spite of the fact that Black in my opinion is one of the highest quality Negroes," Reynolds, "I am convinced that I will again because of his intelligence and ability."

With a statement contending that President Roosevelt must have known of Black's alleged Ku Klux Klan membership, Black was "a local, well-known, and influential member of the Ku Klux Klan," said the federal grand jury. "He is a member of the Ku Klux Klan, and he is a member of the Ku Klux Klan."

At the same time, Senator Blalock, Democrat, Alabama, issued a statement in Jasper, Ala., saying he assured his senate colleagues, prior to the vote on confirmation, that Black was not a member of the Klan.

Asks Investigation.

A fourth development was the receipt of a letter of the supreme court from Patrick Henry Kelly, Boston attorney, asking that a committee of lawyers be appointed to determine Black's eligibility to sit aside from the Klan dispute. The League statement said that the signature of a vacancy in the senate was based on an impartial investigation. "If the chair of a President's resignation," he said, "is a marshal of the Roosevelt administration." Shortly before the election, Wheeler, Democrat, declared that the

century, Owen Shouse, U. S. senator from Montana, said that Roosevelt was a prominent member of the Democratic convention of 1924, to which I also went as a delegate," Shouse said. "All were there and contrast vividly with the Ku Klux Klan controversy that has been going on since then. I have no personal knowledge whether Mr. Black is now or ever was a member of the organization, but it is ineligible to fill it, as a member of the latter contention would be the constitutional clause requiring the appointment of congress to an office has been created since the generation increased due to the national legislature."

Wheeler Joins Critics

Senator Burton K. Wheeler, of Montana, joined

But I remember distinctly that he was elected to the senate Alabama in 1926, his election called as a great Klan victory. 'Unquestionably Familiar,' Roosevelt, then as now interested in politics, was listing of Mr. Black as a Mr. Roosevelt Black at his command was in Black's immediate His on the hibiting to Black was membe argument, heard the of e, that the re-renom Van Devanter, term i pointed to suc- Sena t create a va- Kelly added Demo

by the specific charge in the debate over the Black amendment that Mr. Black had been affiliated with in spite of that fact, used every power available to compel Mr. Black's confirmation."

No Vacancy

Kelly's objection based upon the argument in the senate debate that there was a requirement of Justice for whom Black was appointed, did not in fact prevail on the court.

Mystery Surrounds Death Of Man Who Made Ku Klux-Black Affidavit

Coroner, However, Asserts
That Day's Case Is
Closed Now

A bricklayer, Roy P. Day, a member of the Ku Klux Klan, a few weeks ago allegedly signed an affidavit along with about 15 others purporting to reveal that Justice Hugo Black was a member of the hooded order.

He was a close friend of another bricklayer, Winston Williams, of 7321 Third-av. s. who during the last week has openly announced that he was present the night Justice Black, then Senator Black, was made a life member of the Klan.

On the night of Sept. 8 the mangled body of Mr. Day was dragged from below the wheels of an L. & N. freight train in the Vanderbilt district of the city. A time of his death the coroner, C. M. Evans, after investigating, returned a verdict of accidental death.

Klan Issue Raised

Since then the Black-Klan issue has been raised throughout the nation, especially in New York by Sen. Royal H. Copeland, defeated in the primaries for mayor of New York City.

Coincident with the Black-Klan issue, conflicting stories relating to the untimely death of Mr. Day began to circulate.

Today his death has become entangled in a mesh of contradictory statements, leaving the impression that Mr. Day died under strange, unexplained circumstances.

Couldn't Stop Train

Reports from New York and Washington sources state that G-men there have been asked to look into the matter, but the office of the Federal Bureau of Investigation here denied today that any of its local agents were working on the case.

Substantion of the belief that Mr. Day met with some kind of foul play that led to his death is revealed in the report made by the crew of the train that struck Mr. Day.

The report read in substance that the engineer saw a figure lying on the tracks, but that he was too

close when he noticed it to stop the train.

The report also said it was believed the man apparently was dead before the train struck him.

Dragged 75 Feet

The L. & N. Railroad has not made its official investigation yet and could offer no further report than that of the train crew. Johns-Service, the undertaking-ambulance company that answered the call to the scene said that Mr. Day's feet had been severed at the ankles. His chest was crushed and there were lacerations on the head and severe scalp wounds.

The body of Mr. Day had been dragged 75 feet after the engine struck it.

Coroner Evans, who arrived on the scene about the same time, took the testimony as to how the accident happened from the engineer, U. R. Craig, of 1120 28th-st. n.

'Accidental' Death

Mr. Craig said that the body was lying across the tracks with the feet up over the rail and the head near the rail opposite. He said the body was in a diagonal position.

The coroner, after completing his investigation, rendered a verdict of accidental death, with the notation that Mr. Day was known to be a man who drank heavily and he believed he had been drinking the night he met his death. He said he believed he tumbled down the railroad tracks and fell into the position on the tracks he was in when struck by the train.

"As far as I am concerned," Coroner Evans said, "my investigation is closed."

Pawned Clothes

Mr. Evans ordered the dead man's stomach sent to the City Laboratories for examination, but embalming fluid already had been injected into the body when the body was made and it was impossible to ascertain afterward because of the nature of the fluid whether Mr. Day had been drinking heavily or at all at the time.

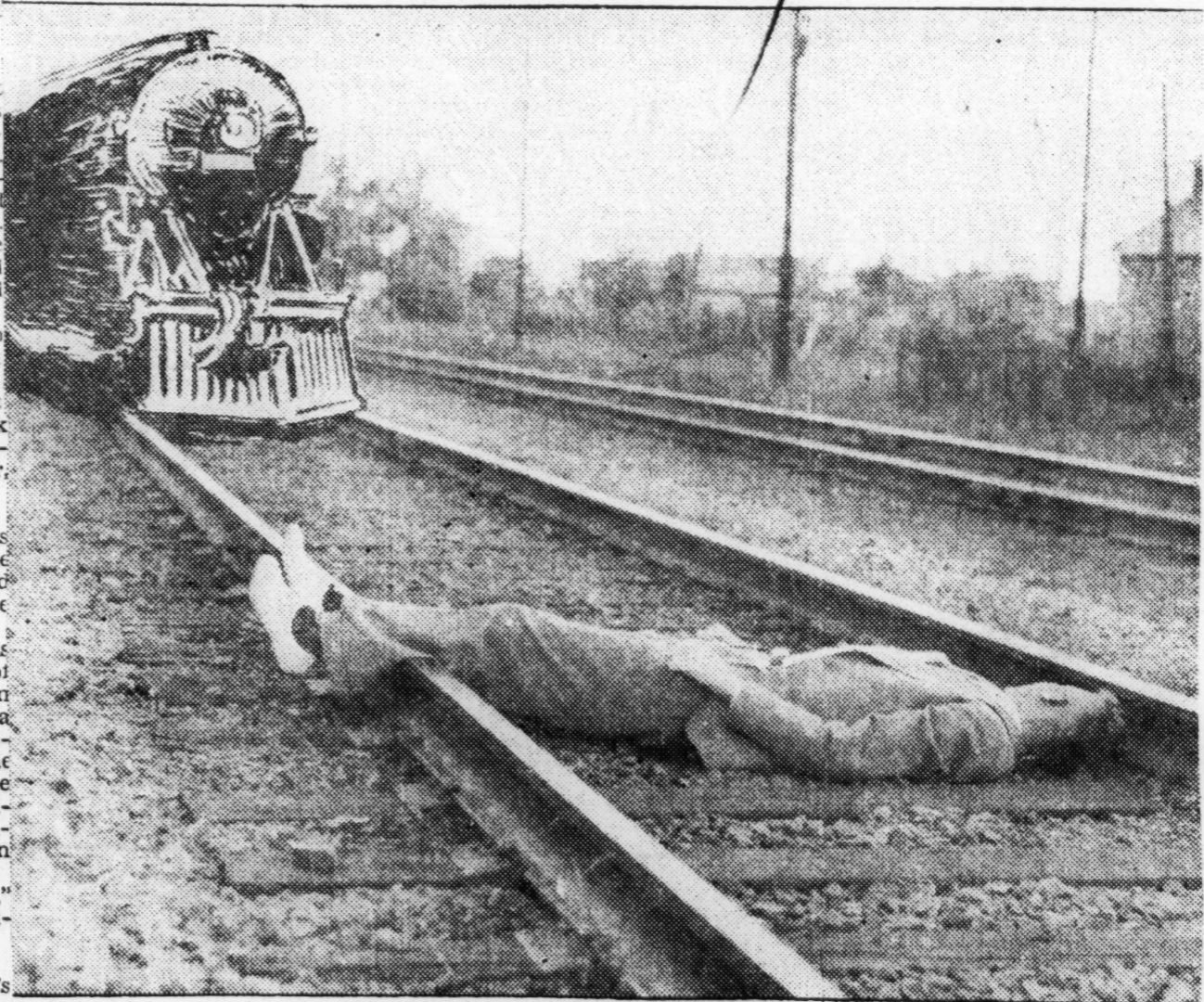
When the body was recovered \$1.59 in change and a pawn ticket for \$3.65 were found in Mr. Day's pockets. He had pawned some of his clothes that morning.

That only \$1.59 of the original \$3.65 was in his pockets led to the belief by county investigators that Mr. Day had purchased liquor with the difference.

Killed At 8:20

Mr. Day spent the last three or four hours before his death at the

This Is How Strange Railroad/Death Occurred



—Staff Photo.

This is a reconstructed photo of the scene of the accident where Roy P. Day, Klansman, was killed on the night of Sept. 8. After obtaining the official reports on how Mr. Day was lying on the track at the time the L. & N. train hit him, a Post reporter assumed this position to give a graphic picture of how the accident happened. A staff artist drew the approaching engine.

positive of the time, and that it would have been an hour earlier. Mrs. Day, now a widow, the mother of four children, lives at 1736 Georgia-rd, said she could not explain the death of her husband.

Mr. Day was struck by the train at 8:20 p. m., according to official reports. The point on the railroad where the accident occurred is about four miles from the union hall. The accident happened across from the old Vanderbilt furnace, was found so far off the route about 100 yards south of the grade crossing.

"He was drinking, all right," Mr. Griffith said. "He fell over a step as he came around the side of the building."

"I saw him about 7:45 p. m. as he left," Mr. Griffith said. But he later said that he could not be

Had No Enemies

The family of Mr. Day is in

Was A Klansman

The Day home is about three miles from the union hall. At the

point where he would have caught a street car, he also could have caught one that would have taken him off his regular route. If he did this he might have realized it about the time he reached the railroad crossing and gotten off and then proceeded to take a short cut home.

A road, however, runs alongside the railroad tracks.

Mrs. Day said her husband had been a member of the Klan.

"He was a member of the Klan back in 1925-26 and later, but he dropped out. I was a member myself," she said. "We both quit because we couldn't afford to pay the dues."

She said she knew nothing about her husband signing any affidavit.

Questioned further she said she did not know what job her husband had been working on the day preceding the night of his death.

'Dead Or Drunk'

The engineer, Mr. Craig, said he "feels positive" Mr. Day was lying across the railroad track before the engine struck him, though he did not see him.

"I'm positive I would have seen him if he had been walking along the track," the engineer said. "I didn't see anything and I was looking ahead all the time."

"I believe he was either dead before the train hit him, or else drunk."

Mr. Craig cited the position in which Day's body was lying after the engine and several cars had passed over him as tending to show he was prostrate before the train reached him.

Saw No Blood

"He was lying across the track on his back, with his feet across one rail and his head nearly touching the other rail," he said "if he had been standing up he'd have been knocked forward, lengthwise of the track."

Mr. Craig said he was not aware his engine had passed over anything until a brakeman, "Red" Ayers, told him, "I believe we've run over somebody."

"I stopped the train right away and we ran back to where the body was, about 10 car-lengths back," the engineer continued. "His body was perfectly still when I got there and I didn't see any blood. It looks like he entered the controversy by saying there would have been some blood if he had just been killed by a train."

He said ambulance drivers arrived about 10 minutes later and pronounced Day dead.

Mr. Craig said it was "very unusual" to see anyone walking along or near the track at that point—particularly at night. His train had slowed down to approximately 15 miles an hour, he said, because it was "heading in" to a switch yard just ahead.

Black Urged To Tell All On Klan Link

Copeland Says Justice Should Resign Place If Member Of Order Alabamian Silent

New York Senator Denies He Was Himself Backed By Hooded Group In Past

NEW YORK, Sept. 14.—(AP)—Two former colleagues in the Senate today renewed demands that Supreme Court Justice Hugo L. Black should relieve

the country of embarrassment by stating his position with respect to the Ku Klux Klan or by resigning from the bench.

Senator Royal S. Copeland, campaigning for the New York mayoralty, in nomination, said Mr. Black obtained confirmation of his appointment to the nation's highest tribunal last month "by misrepresentation and not without fraud."

Asserting there was no legal way of forcing him off the bench, Dr. Copeland added:

"The only way I see is by resignation. That should be done. The country should not be embarrassed."

At the same time, Senator David I. Walsh, Massachusetts Democrat, declared in an interview at Clinton, Mass., that Justice Black "owes it to the President, the Senate and the country to declare publicly whether he is a member of the Klan and if and his campaign having failed dis-

so to indicate in unmistakable language his repudiation of the Ku Klux Klan and its principles."

Black Silent On Reports

Justice Black, vacationing in London, and President Roosevelt both remained silent on the sudden flareup which was caused by a revival of statements that the newly appointed justice was a life member of the Klan. A Mr. Black complained to the manager of his hotel in London, where he was vacationing, about "lack of privacy," and left for the English countryside, saying:

"I won't make a statement about anything."

The controversy was described by Senator Bankhead (D), Alabama, and Hiram W. Evans, imperial wizard of the Klan, as a piece of political strategy designed to further Senator Copeland's campaign in New York.

Asserting Justice Black was "not a member now" of his hooded organi-

zation, Evans said in an interview at what I have read in the newspapers."

Atlanta: "Senator Copeland is a good friend of mine and I think he is the best candidate in a bad lot seeking the New York mayoralty."

His statement that the Klan "supported" Copeland in his 1928 senatorial campaign was promptly challenged by the New Yorker, who said: "I know nothing about it. If the qualifications for the Supreme Court are true they supported a good man."

Asserting he had been an ardent foe of all intolerant organizations, he added: "If they are seeking reprisals now I'll take them all on, one at a time or in a group."

Klan Meeting in New York Further remarks by Copeland led to the discovery that a wizard of the Klan, J. L. Baskin, had arrived from Richmond, Va., recently to conduct a series of organizational meetings in New York.

Reached at a midtown hotel, Baskin affirmed that a secret meeting was being held in Brooklyn tonight and that plans were complete for another session tomorrow night in Manhattan.

The senior senator of Massachusetts, Mr. Walsh, suggested that President Roosevelt name an "impartial agency" to ascertain the truth about a series of articles published by The Pittsburgh Post-Gazette in which it is averred that Justice Black is a member of the Klan.

"And," he added, "if the President, through such an investigation, found Black to be a member of the Ku Klux Klan, he can ask for his resignation."

He said it was inconceivable that the President believed Mr. Black to be a member at the time of his appointing him off the bench, Dr. Copeland.

Dr. Copeland's opponent in the Democratic primary, Jeremiah T. Mahoney, sized up the Ku Klux Klan issue, gave it a vigorous shake, and cast it aside.

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Asserting Justice Black was "not a member now" of his hooded organi-

Fish, Republican, New York, that a "thorough investigation" might reveal a number of southern Democratic congressional leaders in the ranks of the Klan.

Appointment Challenged.

Word also came from Boston that Patrick Henry Kelly, Boston attorney and a member of the supreme court bar for many years, had challenged the legality of Black's appointment to the bench. Kelly announced he had filed an information with the high tribunal contending there was no legal vacancy in the court's membership for Black to fill and that he was automatically eliminated from appointment because he was a member of congress when "emoluments" for supreme court justices were "increased."

Kelly's action was the second attempt to have the supreme court itself keep Black out. Fish's veto on other members of congress was made in a statement in which he said responsibility for Black's appointment "rests squarely with the President."

SPEAKER BANKHEAD FIRES BACK AT FISH CHARGE

JASPER, Ala., Sept. 16.—(AP)—Positive denial that he had ever been a member of the Ku Klux Klan and a hint that Representative Fish's veiled attack on other members of congress was made in a statement in which he said responsibility for Black's appointment "rests squarely with the President."

His statement came after Fish hinted a "thorough investigation" might find a number of southern congressional leaders "in the Klan pay roll or affiliated with the organization."

"I have never been a member of the Klan, and was never asked to be a member," Bankhead said, commenting on Fish's statement, one of the most recent developments in the controversy over whether Justice Hugo Black, former senator from Alabama, has been a member of the Klan.

"I can well understand Mr. Fish's desire to embarrass me if possible," said the sneaker.

Plea Advanced For Coalition By Vandenberg

Michigan, opened the gates of his "sympathetic" coalition party to a Republican standard-bearer in addressing a wide audience of 6000 "Grassroots" students. An ovation greeted his appearance in conclusion of a statewide rally. The speaker did not refer directly to the President's appointment of amendment. "We have just Senator Arthur H. Vandenberg (R)

TALK GROWS F.D.R. MAY ACT ON BLACK

Demands for Resignation Increase as Opponents Hit 'Klan Affiliation'

WASHINGTON, Sept. 16.—(AP)—Talk that President Roosevelt might ask Justice Hugo L. Black to resign from the supreme court was heard in the capital today amid new and bitter criticism of the Alabamian's alleged Ku Klux Klan membership.

The Washington Evening Star said the impression was growing that the President would adopt such a course unless he receives a flat denial from Black that he had been a member of the hooded order.

Discussion of possible Presidential action in the case highlighted a number of developments, including a hint from Representative

He said failure of the states to ratify a child labor amendment, also mentioned in the President's talk, resulted from a widespread fear that the amendment "would open the door not only to regulation of children in industry but children in religion, children in education, and even children in the home."

He did say that the constitution will continue to live only if the men of the Supreme Court remain faithful to its principles and not succumb to the temptation of a "sympathetic" coalition party to a Republican standard-bearer in addressing a wide audience of 6000 "Grassroots" students.

He said the President's appointment of amendment. "We have just Senator Arthur H. Vandenberg (R)

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Ku Klux Klan - 1937

Alabama

Supreme Court Justice Hugo L. Black

Black Life Member of Klan, Writer Says After Inquiry Black's Reputed Resignation From Klan

Reputed Records of Order
in Alabama Revealed;
'Oath' Is Given.

Appointment of Senator Hugo L. Black, of Alabama, as an associate justice of the United States supreme court raised a storm of debate in the senate a few weeks ago. Opponents of confirmation charged that Senator Black was a member of the Ku Klux Klan. His supporters denied this. An independent investigation by an experienced newspaper reporter has now disclosed the facts about Senator Black's Klan membership. The reporter's findings are contained in a series of six articles, of which this is the first.

By RAY SPRIGLE.

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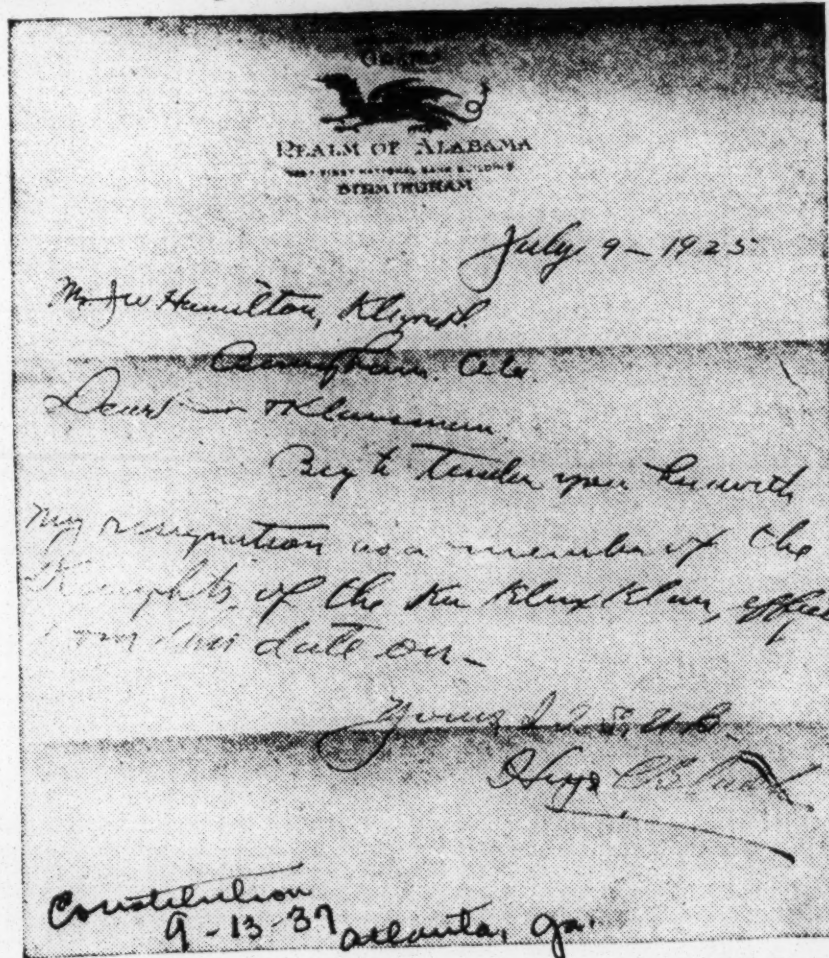
BIRMINGHAM, Ala., Sept. 12. Hugo Lafayette Black, associate justice of the United States supreme court, is still a member of the hooded brotherhood, the Invisible Empire, Knights of the Ku Klux Klan, a thorough investigation of official klan records disclosed.

He holds his membership in the masked and oath-bound legion as he holds his high office in the nation's supreme tribunal—for life.

For Supreme Court Justice Black bears the proud distinction that not a half dozen other men in the United States can claim. The cloaked and hooded knights of the klan have bestowed upon him the solid gold engraved grand passport that betokens life membership in the mysterious super-government that once ruled half a continent with terror and violence.

Hugo L. Black, former United States senator and supreme court justice, joined Robert E. Lee Klan No. 1, Invisible Empire Knights of the Ku Klux Klan, September 11, 1923.

Klansmen Black resigned from the Klan July 1, 1925. His resignation, scribbled in longhand on a sheet of the stationery of the grand imperial wizard of the Alabama Klan, was the first move of his campaign for the Democratic nomination for



Bacharach Photo.

A facsimile reproduction of a letter written by Hugo L. Black on the stationery of the grand dragon of the realm of Alabama, July 9, 1925. The translation of "Yours I. T. S. U. B." is "Yours in the Sacred Unfailing Bonds."

United States senator from Alabama. Black and the leaders of the Klan decided it was good political strategy for him to make the senatorial race unimpeded by Klan membership but backed by the power of the Klan. That resignation, filed for the duration of the campaign but never revealed to the rank and file of the ordermen who believe in the principles and held security in the records of the Alabama realm, is reproduced in another column.

Senator-nominate Black was welcomed back into the Klan at a state meeting or klorero of the Klan held in Birmingham Klan headquarters, September 2, 1926. The accounts of that meeting are taken from that official record, obtained from the official files of the Alabama Klan. No record of the resignation of Hugo L. Black from the Knights of the Ku Klux Klan is contained in the files of the Alabama Klan.

Black attributed his election to the support of the Klan, expressed his gratitude for that support and pledged himself to remain loyal to the principles of the Klan. Black attributed his election to the support of the Klan, expressed his gratitude for that support and pledged himself to remain loyal to the principles of the Klan. Black attributed his election to the support of the Klan, expressed his gratitude for that support and pledged himself to remain loyal to the principles of the Klan.

Speech Quoted.

"I realize," he told his fellow Klansmen, "that I was elected by the campaign but never revealed to the rank and file of the ordermen who believe in the principles and held security in the records of the Alabama realm, is reproduced in another column."

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ed in the files of the Alabama Klan. The gold life-membership card presented to him when he was made a life member of the Klan never has been returned to the officials who had it made and Black saw unerringly in 1925 presented to him, so far as the official files of the Alabama Klan were not to discern until 1926—

indicate. that the Ku Klux Klan of Alabama was going to name the next he was a little known but competent Birmingham damage suit lawyer, a former police court judge, a former county prosecutor.

More than a year before the 1926 primaries, in July, 1925, Black decided the time had come for him to join the Klan. The hooded order was sweeping the nation, and especially the south, like a crusade. It had triumphantly surmounted every obstacle its enemies had placed in its path. More, it had used those obstacles as stepping stones to greater glory.

titans. A United States senatorial investigation in 1921 had turned the Klan inside out, revealing its secrets to the world. And every day that the committee sat and denounced the Klan, the invisible empire "naturalized" more sands, eager to don robe and hood and swear blood-oath of brotherhood.

That was "Grade A" political strategy. The Klan had its enemies; that was inevitable and natural. From the beginning, the Klansman Black's campaign for United States senator began before he left Klan headquarters. His first campaign gesture, surprisingly enough, was to resign as a member of the Klan. That was "Grade A" political strategy. The Klan had its enemies; that was inevitable and natural. From the beginning, the Klansman Black's campaign for United States senator began before he left Klan headquarters. His first campaign gesture, surprisingly enough, was to resign as a member of the Klan.

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"Yours in the Sacred Oath for United States senator from Alabama (which in that state is hastily scrawled capitals with equivalent to election), was the letter of "resignation," and the future was to prove that the bond Alabama Klan, emblematic of his life membership in the hooded legion.

That resignation was to lie unnoted and neglected in the files of the Klan. Kligapp J. W. Hamilton was never to see it—unless he happens to read this chronicle. It never was accepted or even acted upon.

But Candidate for the United States Senate Hugo L. Black, by virtue of that three-line scribble in a dusty desk drawer in the offices of the Alabama Klan, was able to square his conscience whenever it might prove politically expedient to deny membership in the Klan.

Resignation or no, in any event that brief farewell was to become **Vowed Blood for Klan**



Copyrighted Bachrach Photo From Wide World.
HUGO L. BLACK.

out a worthless scrap of paper or the night of September 2, 1926 when, in the great hall of the invisible empire in South Twentieth street in Birmingham, before an audience composed of the dragons and the titans and the cyclops of the entire state, under the beam- ing smile of Imperial Wizard Hiram Wesley Evans, Hugh Lafayette Black, victor in a bitter fight for the Democratic nomination

(The next article in this series will appear tomorrow.)

PAPER GIVES DESCRIPTION OF INITIATION

Congressional Inquiry Is Asked By Minnesota Representative

SENATE CAN FIND WAY

Knutson Hints Method To Stop Him From Taking Court Seat Available

By United Press.
WASHINGTON, Sept. 14.—Rep. Harold Knutson (R., Minn.) today asked for a congressional investigation of the reported membership of Associate Justice Hugo L. Black of the Supreme Court in the Ku Klux Klan.

The Minnesota congressman who has served 11 consecutive terms in the House said that if such an investigation established without doubt that Black was a Klansman then "Congress should take action."

When advised that attorneys generally agreed that the only way to remove Black from the Supreme Court was to impeach him, Knutson said, "I am not so sure that the Senate will not find a way to act." He did not amplify his remark.

Klansman Unqualified
Knutson said that any man who was a member of an organization built on prejudices such as the Klan is not qualified by reason of his association to dispense even-handed justice.

The Senate is barred from rescinding its confirmation under a unanimous ruling of the Supreme Court, handed down only five years ago. In 1930, the Senate changed its mind about confirming George Otis Smith as a member of the Federal Power Commission, restoring his name to its calendar and re-

jected him. The court ruled that that was "a serious and delicate exercise of judicial power," and Smith kept his appointment.

While friends and foes of the Alabama Democrat debated his position, The Pittsburgh Post-Gazette, in a second story by Sprigle, and copyrighted by The North American Newspaper Alliance, Inc., printed today a description of a Klan ceremony in Birmingham, Ala., at which the writer said Black "renewed his oath of brotherhood" to the Klan on Sept. 2, 1926.

Black Sits With Graves
The writer said that Black sat on the stage of the great klavern with Col. Bibb Graves, now governor of Alabama and then the Democratic nominee for governor, and that both received gold "grand passports," or life membership cards, in the Klan.

According to the writer, Graves then was exalted cyclops of the Montgomery Klan, and both Graves and Black accepted life membership with speaker in which they expressed gratitude for Klan support in their successful political campaigns just completed and pledged adherence to Klan principles.

Governor Graves and his wife whom he recently appointed to Black's Senate seat, were interviewed last night in Atlantic City employe of the Jefferson County Board of Education, said he was present in 1926 when Esdale conducted the life membership ceremonies for Mr. Black.

Mr. Williams declared he had signed an affidavit to this effect. **He Doubts It**

Postmaster W. Cooper Green, who managed Mr. Black's campaign in Jefferson County here and was one of his state managers in 1932, said:

"Senator Black's actions seems to bespeak that he was not a Klansman, although I never discussed with him whether he was a Klan member."

"The second largest job he got for an Alabamian went to Charles Whelan of Birmingham, a Catholic and member of the Knights of Columbus. It was an appointment as one of the three commissioners on the Federal Pardon and Parole Board."

Aided Smith
"Senator Black endorsed Joe Lyons, also a Catholic, as customs collector for the state at the Port of Mobile."

"Senator Black has given Catholics every possible break."

"Mr. Black supported Al Smith for President in 1928. Al Smith is a Catholic. Alabama was one of seven states voting for Smith in 1928."

"Senator Black has numerous Catholics and Jews for friends. From his activities in the Senate, he has proved he is not a bigot and is not prejudiced."

Other Black followers, who asked that their names not be used in quoting them, said former Republican officeholders in Birmingham recently canvassed the state with an employed detective seeking affidavits to show Black was a Klansman.

Controversy Over Black Still Rages

Bridges, Walsh Score Justice Anew; Defense Cites Tolerant Record
Smith Disappoints

Former Governor Silent On Klan Issue In Scheduled Talk For Copeland Cause

NEW YORK, Sept. 15.—(AP)—Alfred E. Smith went on the air tonight in a speech which had been announced in advance as a projected attack on Supreme Court Justice Hugo L. Black for his purported Ku Klux Klan connections—and made no mention of either Black or the Klan.

Two days ago the campaign headquarters for Senator Royal S. Copeland, Tammany-designated anti-new deal candidate for the New York City mayoralty whom Smith is supporting, had announced that the former governor would deal with the Black matter in his talk.

But the 1928 Democratic presidential candidate uttered no word about the Black reports. Instead, in a speech titled "Out- side Interference in City Autonomy," he contented himself mainly with an attack on present taxes in New York and with an appeal for votes for Copeland. Too, there was no recognizable mention of any "outside interference."

Asked if his failure to mention Black had not resulted from a change in plans, he answered only that there had been "incorrect reports" of his plans. He did not intend, he said, to touch on the controversy in any speech before mayoralty primary, which falls tomorrow.

Copeland Drops Issue
Outside New York City, where it appeared that Senator Copeland's forces were now dropping the issue, they themselves had raised, the whole Black controversy showed no sign of losing vigor. In Georgia, Imperial Klan Wizard

Hiram Wesley Evans, while repeatedly denying that Justice Black was a klansman, said that body had supported Copeland in his 1928 senatorial race and that he (Evans) would vote for Copeland for mayor of New York, if that were possible.

In New Hampshire, Republican Senator Bridges cried out that Black's confirmation to the bench was "steamrollered" through the Senate by the Roosevelt administration.

At about the same time Democratic Senator Bulow was saying in South Dakota that Black was a "pretty nice fellow," and that Senator Bankhead, Black's then Democratic colleague in the Senate, had given assurance that the justice-nominee "had never been a member of the klan."

In New York, Norman Thomas, socialist presidential candidate in the last election, denounced the klan and said that "in common decency" Justice Black should resign the bench "at once."

Black, said Thomas, had "deliberately deceived the public, the Senate and probably the President about his connection with it (the klan)."

Democratic Senator Walsh, of Massachusetts, calling for a public repudiation by Justice Black of klan principles, said everybody, and particularly senators with large Catholic and Jewish constituencies, was entitled to such a statement.

Senator Tydings, Maryland Democrat, said he doubted "very much" that Black was or had been a klansman, but recalled a previous warning to senatorial colleagues that they should investigate the matter before confirmation.

Rep. Edward L. O'Neill, a New Jersey Democrat, said if Black now is a klan member, or was at the time of his appointment to the court, he should be asked by the President to resign, and failing such a resignation impeachment proceedings should be had against him.

Lack of Prejudice Cited
In defense of the justice, Postmaster W. Cooper Green, of Birmingham, Ala., a former close political associate, made public a list of names designed to show that Black had obtained government jobs for Jews and Catholics and thus was "not religiously prejudiced." Green himself said he was not a klansman.

Smith's speech was distinctly anti-climatical in the controversy. In a pin-striped, double-breasted suit, coat open, he appeared early at the studio to test his voice and told attendants: "Tell me if it ain't loud enough." During the preparatory appearance before the microphone, he chewed belligerently upon a half-smoked cigar, but in the speech itself he exhibited no emotion at all. It was a speech wholly without national flavor, save perhaps for his reference to high taxes and the habits of "governments everywhere" in promising more than they could provide.

He still called it the "raddio."

Purported Copy of Hugo Black's 'Grand Passport'

GRAND KLAN of the INVISIBLE EMPIRE
Knights of the Ku Klux Klan
 REALM OF ALABAMA
 TO ALL EXALTED CYCLOPS, GREETINGS
 THE BEARER KL. *Sen. Hugo L. Black*
 IS A CITIZEN OF THE INVISIBLE EMPIRE AND TO HIM IS GIVEN THIS

Grand Passport

THAT HE MAY TRAVEL UNMOLESTED THROUGHOUT OUR BENEFICIENT
 DOMAIN AND GRANT AND RECEIVE THE FERVENT FELLOWSHIP OF
 KLANSMEN.

BY THIS AUTHORITY YOU WILL PASS HIM THROUGHOUT THE PORTALS
 OF YOUR KLAVERN TO MEET WITH KLANSMEN IN KONKLAVE ASSEMBLED

SIGNED AND SEALED THIS THE 2 DAY OF SEPT. 1926
 GRAND KNO. 8 REALM OF ALABAMA—

Jas Esdale
 GRAND CYCLOPS

This copy of what is purported to be the "grand passport" given to Associate Justice Hugo L. Black of the supreme court by the Ku Klux Klan has been made public by former Governor Thomas E. Kilby, Anniston, Ala. Kilby said sketch copies were distributed several years ago and that he dug this one from his files. He added that he was not familiar with the origin of the sketch and copies.

Black Heard Wizard Evans Boast Of Making Senators, Governors

This is the fifth in a series of six articles in which are disclosed the facts about the Ku Klux Klan membership of Hugo L. Black, which was charged in Senate debate over appointment of the Alabama senator as an associate justice of the United States supreme court.

hooded order for life, shook the rafters of the klavern with their cheers as they celebrated the Klan's victory in the August primary.

But to the imperial wizard of the invisible empire, Hiram Wesley Evans, one-time country dentist from Texas, a Klansman-senator and a Klansman-governor were an old story—and not such a big story at that. He and the hooded thousands who followed him had been electing governors and senators for four years and were destined to go on electing them for several years to come.

The imperial wizard boasted about what he had accomplished in other states. He turned the Klan inside out, politically speaking, for the edification and entertainment of the assembled Klansmen at that 1926 klorero in Birmingham.

As if on a magic carpet, he

jumped from Texas to Ohio, to Illinois, to Indiana, back to Kentucky, then to Washington, D. C., with stopovers at the 1924 Democratic convention and points west.

Most startling of his revelations was the fact that the imperial wizard had determined to make Senator Oscar W. Underwood president of the United States in 1924. The day before Wizard Hiram was to launch the Underwood boom before 100,000 Klansmen in Texas, Underwood denounced the Klan and the Klan turned on him and fought him. That revelation was of particular interest to the Klansmen present. Almost beside Evans as he talked sat Hugo L. Black, chosen by the Klan to oppose Underwood. Underwood, then senator, came back to Alabama in 1925, found Hugo Black already engaged in a campaign among the Alabama Klans, assured of victory at the primaries a year before they were to be held. Senator Underwood finished his

term in the senate and came back make an apology in the southern to the southland he had loved and states when it preserved her civilization's capital for 30 years. In brief "You wondered why Oscar is season Oscar Underwood was to really unpopular in Alabama. I die—of a broken heart, his friends tell you the grandsons of the riding Ku Klux Klan of the earlier years will never forget his kind for his betrayal of the fundamental patriotism of the state.

Talks About Underwood.

"Let me tell you a little bit about this Underwood thing," the imperial wizard told the klorero.

"I was born, as you know, in Clay county, Alabama, and I have always been an Alabamian at heart. Back in the days when we were laying the political campaign of 1924, when I knew the fight we had was with liquor and Romanism and was going to be led by Al Smith, I looked over the ground and I believe I knew the ground as no other man in the whole United States knew it, because I knew the dominant party in each state on throughout the nation.

"As I looked over the ground-work I said to myself, 'Well, that's going to be an awful fight in the convention.' And I knew some man from somewhere was going to come riding out of the brush that would finally be the nominee. And you know, because I was born in Alabama—I hadn't been in Alabama the Lord knows when—because of that fact, because you had elected Underwood your senator, down deep in my heart, I aimed when the day that McAdoo and Smith had fought themselves to exhaustion to be in a position to nominate Oscar W. Underwood as president of the United States. That was before he had ever de-nounced the Klan and when I understood he was working in harmony with you. That was a secret plan that I never said anything to anybody about."

Invited Underwood.

The imperial wizard told of efforts that were made to have him serve on the reception committee that was to greet Senator Underwood when he spoke in Dallas, Texas, and how he, imperial wizard, in return invited Underwood to be present when the imperial wizard was to speak before 175,000 people, mostly Klansmen, at the Texas State Fair. He recalled how Underwood went to Houston the day before he was to have come to Dallas and there he made his famous speech denouncing the Klan.

"Think it over," thundered the imperial wizard, "a man born inman at Alabama, that knows you wouldn't have had a white state if it hadn't been for the Ku Klux Klan. Hespring of this year and we didn't don't deserve to be the pure-bred son of a pure Alabama mother. Who would make an apology for the Klan in Alabama? Who wouldan editorial in the 'Oklahoman'."

White Supremacy.

"Oscar would have been nominated instead of John W. Davis, had he just simply 'set.' There must have been something wrong. He just couldn't have the tradition in him that he ought to have. That goes deep with me. It is a question of white supremacy. That is all this great Klan fight is. It is a question of white supremacy."

Later on in his speech, the imperial wizard let the Klansmen in on a bit of Ku Klux Klan strategy.

"You know," he said, "just as I can after we get complete control in any state into the hands of our kind of folks, the Klan is completely out of politics and then from that time on you don't find the Klan operating in Alabama—I hadn't been in Alabama much in politics. We just find the Klan controlling the party that runs the state." And there the of- ficial Klan stenographer added, in parentheses, (laughter).

It says: "If we have to support Kluckers for office whether we vote Democratic or Republican, we are going to support Democracy. Kluckers. We just took over con-trol of both parties, made nominations in both parties we are having a nice genteel race between two Klansmen for ernor, one Republican and other Democrat."

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By RAY SPRIGLE.

BIRMINGHAM, Ala., Sept. 16.—Alabama Klansmen who attended the fourth annual klorero of the invisible empire, September 2, 1926, at which Senator-nominate Hugo Lafayette Black and Governor-nominate Bibb Graves received the Klan's golden grand passport which made them members of the

Purported Copy of Hugo Black's 'Grand Passport'



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As if on a magic carpet, he jumped from Texas to Ohio, to Illinois, to Indiana, back to Kentucky, then to Washington, D. C., with stopovers at the 1924 Democratic convention and points west. Most striking of his revelations was the fact that the imperial wizard had threatened to make Senator Oscar W. Underwood president of the United States in 1924. The day before Wizard Hiram Evans, one-time country dentist from Texas, a Klansman-senator and a Klansman-governor were an old story—and not such a big story at that. He and the Reproduction in whole or in part without permission forbidden. All rights reserved. were destined to go on electing them for several years to come. The imperial wizard boasted about what he had accomplished in the fourth annual kloro of the in- visible empire, held at the in- at which the late Governor L. Lafayette Black and Governor nominate Bibb Graves received the Klan's golden grand passport ham, which made them members of the

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aimed when the day that McAdoo "We just get out of the public and Smith had fought themselves eye entirely. I had to go to In- Kluckers for office whether we says the wizard in a burst of con- I have come to know I really don't know anything about it."

Beat Stanley. Then the wizard tells another story. "Over in Kentucky they were running a man on the Democratic ticket for the senate for re-elec- tion, that was a representative of

Invited Underwood. The imperial wizard told of ef-mayors out of 154. What in the efforts that were made to have him name of goodness did we want to serve on the reception committee fight for. that was to greet Senator Under- wood when he spoke in Dallas. "When we've got everything Texas, and how he, imperial wiz- there is, don't fight. Say 'boys ard, in return invited Underwood let's have peace.' I went in there to be present when the imperial with a peace program and got it wizard was to speak before 175,000 The nicest you ever saw."

people, mostly Klansmen, at the From Indiana, the imperial wiz- Texas State Fair. He recalled how ard jumped to Oklahoma. Underwood went to Houston the "Over in Oklahoma," he said day before he was to have come to "we had an awful row and it took Dallas and there he made his fa-us two years. And let me tell you mous speech denouncing the Klan about that Oklahoma fight. The "Think it over," thundered theman that runs the 'Daily Oklaho- imperial wizard, "a man born imman' at Oklahoma City, had been Alabama, that knows you wouldn't fighting the Klan for three or four have had a white state if it hadn't years. I went out there in the been for the Ku Klux Klan. Hespring of this year and we didn't don't deserve to be the pure-bred want any hullabaloo. We just son of a pure Alabama mother, wanted to win. We set out our Who would make an apology for program and the other day I read the Klan in Alabama? Who would an editorial in the 'Oklahoman,'

filiation in the Klan and my work in the Klan.

I went down and asked them would they please elect Sacket and turn—who is that fellow that has passed out of public knowledge so far that I have forgotten him? Does anybody remember his name?"

A Klansman calls out, "Stanley." "Senator Stanley. You remember Stanley was beaten and Kentucky went Republican the first time in the history of the nation."

(Frederick M. Sackett, Republican, was elected United States senator from Kentucky in 1924 over Senator A. O. Stanley by a majority of 24,516.)

(The sixth and final article in this series will appear tomorrow.)

Side-Stepping the Klan Issue

By the time a slow boat lands Hugo Black in the United States only a few days will remain before the Supreme Court convenes for its regular October term. The schedule which President Roosevelt has arranged will not bring him back to Washington until after the time for the court to convene. There would seem to be some truth, therefore, in the report that the President is side-stepping his imperative duty to demand the resignation of Black unless he can purge himself of the Ku Klux Klan affiliation charged against him and supported by documentary evidence which he can hardly deny.

The fact that Charlie Michelson, publicity director of the National Democratic Committee and a member of the inner White House council, was aware, all the time, of the charges made against Black lends color to the suggestion that Mr. Roosevelt was not acting so blindly as he would have us suppose when he made this outrageous nomination.

Two days after Senator Copeland made the public charge that Black was a member of the Klan, Black was a luncheon guest at the White House, where the President gave him his commission.

If Mr. Roosevelt persists in dodging the issue until Black begins to take an active part as a member of the Supreme Court of the United States he will be visited with curses both loud and deep. It will betray a remorseless determination to pack the Supreme Court with a White House puppet, in spite of the Ku Klux Klan brand placed upon him.

This transcontinental tour itself is generally regarded as a revival of Mr. Roosevelt's obstinate determination to destroy the independence of the Supreme Court and to secure the power to appoint five additional members of that body so as to swamp it with the New Deal ideology.

The President's conduct in this court packing drive is revealed as more discreditable than ever by the publication of a series of

articles in The Saturday Evening Post entitled The 168 Days, by two trained Washington correspondents.

The second installment of this series of articles appearing in the current number shows that the real American Tragedy was not that fictionized by Theodore Dreiser, but the ingratitude and deceit practiced by the President on poor old Joe Robinson who went to his death in a devoted effort to serve his master.

According to this inside story, Senator Robinson, more than two years ago, was definitely promised the first vacancy on the Supreme Court bench. As time went on it became more evident to the intimate friends of the Arkansas senator that he was, at heart, a conservative and, figuratively speaking, had to hold his nose while he advocated many of the New Deal measures he steered, or sought to steer, through the upper chambers.

The decision on the part of Justice Van Devanter to retire, before the President was able to jam through the bill which would give him power to appoint six justices, threw consternation into White House circles. Little Tommy Corcoran and the coterie of White House favorites made a tremendous drive to secure passage of the court-packing bill before Van Devanter retired. But as the days went by and everybody but the President realized that the fight was lost, Mr. Roosevelt studiously refrained from making any gesture towards appointing his faithful supporter, Joe Robinson. The Democratic majority leader was both angry and hurt by the President's refusal to summon him to the White House or communicate with him in any way and Robinson, for more than two weeks, was permitted to eat his heart out.

The President's son, Jimmy, was finally sent on a mission of conciliation to Joe Robinson and here we find one of those illuminating instances of duplicity and depravity which have never before found a parallel in the White House. Jimmy was instructed to tell Robinson that his father was disappointed and a little "hurt" because Robinson had not been dropping in at the White House. An engagement for him to visit the President was then made. All this in face of the known fact that Mr. Roosevelt was trying to side-step the fulfillment of his pledge to Robinson, at least until he could get authority to appoint additional justices whose radicalism would offset the conservatism of the Arkansas senator.

This is but a part of the intrigue and chicanery which went on behind the scenes during those 168 days.

The petty spite visited upon senators who opposed court packing was illustrated in the case of Senator Wheeler. Before the fight Senator Wheeler had virtually been promised

a 17-million dollar project at Buffalo Rapids dam for his state. When Wheeler went into the opposition Montana was not deprived of the dam, but Senator James Murray, Wheeler's colleague, was called to the White House and permitted to announce the new patronage for Montana from the steps of the executive mansion.

At his Tuesday press conference Mr. Roosevelt warned newspaper correspondents not to place a political interpretation upon the places at which he did or did not stop and speak on his journey to the Pacific coast. The schedule shows that he will not speak or stop in the home town of Senator Wheeler, at Butte, Montana nor anywhere in Nebraska, the home state of Senator Burke. He will "shoot the works", however, at Cheyenne, Wyoming, the home of Senator O'Mahoney. The fact is that both Burke and Wheeler are so strongly entrenched in the esteem of their constituents that a presidential attack upon them might not get so favorable a reaction as the chief executive expects in the home state of O'Mahoney.

The main point is that the President has not yet been convinced, as were members of his own council, that this court packing fight is hopeless and he intends to carry on his campaign to the bitter end.

Space forbids a present discussion of the President's decision to continue his drive for that reorganization of the government which would give him lump sum appropriations from Congress and permit him to abolish even the presidency in his reorganization of executive departments and agencies.

The first step in this direction was taken when he wiped out the National Emergency Council and ordered all its records and papers turned over to the Bureau of the Budget, which is to be given vast powers, as suggested by the Brownlow reorganization committee. The execution, as well as the preparation, of the budget should be supervised by the Bureau of the Budget and should be closely correlated with fiscal programs and plans, according to the committee report, to the end that "the Bureau may serve in various ways as an agency of the President."

This involves abolishment of the office of the comptroller general, who has always reported directly to Congress, was appointed for a term of 15 years and could not be disturbed by the President.

It is enough for the present to keep our eye upon the developments of the next few days to see if the angry and arbitrary conduct of the President is to culminate in his refusal to act before Hugo Black becomes a member of the Supreme Court of the United States.

Florida Firms Aim Action At Justice Black

Three Companies Claim Lack Of Vacancy Upon High Court, Ineligibility

WASHINGTON, Nov. 3.—(AP)—Three Florida companies challenged the constitutionality of Justice Hugo Black's appointment in a petition filed today with the Supreme Court.

The petition asked the tribunal to reconsider, with Justice Black not participating, the court's recent action in refusing to review litigation involving the right of the Securities Commission to seize telegrams.

Filed by the Ryan Florida Corporation of Tampa, the Income Royalties Company, of St. Petersburg, and Florida Tex Oil Company, of St. Petersburg, the petition said Black was ineligible to sit on the high bench because no vacancy had been created by the retirement of Justice Willis Van Devanter and because he had been a member of the Senate which had increased the "emoluments" of the justices.

This referred to the recent act permitting justices to retire after reaching 70 and serving 10 years on the bench.

The companies also contended Black was a member of the Senate when the Securities Act was passed and that he "recorded himself as being in favor, not only of the policy, or wisdom of the act, but also as to the constitutionality thereof."

Black, the petition continued, had "settled views" with respect to obtaining telegrams and was "unable to disassociate his strong and fixed bent of mind toward said questions." It referred to the fact that the justice, while chairman of the Senate Lobby Committee, had attempted to use telegrams which had been obtained by the Communications Commission



Times Wide World

AS JUSTICE BLACK MET NEWSPAPER MEN AT NORFOLK YESTERDAY

The newest member of the United States Supreme Court with reporters aboard the steamship City of Norfolk

BLACK HINTS HE WON'T RESIGN,

PARRIES QUESTIONS ON KLAN;

NOW DRAFTING RADIO SPEECH

JOVIAL AT NORFOLK

Lets Plan Slip in Answer to Girl Reporter—Wants the Public to Hear Him

But His Studied Replies Avoid Any Statement on Klan Charges

WILL BE AT COURT OFFICE

By RUSSELL B. PORTER

Special to THE NEW YORK TIMES. NORFOLK, Va., Sept. 29.—Justice

Black of the Supreme Court, returning from a vacation today, refused to answer a specific question whether he is or was a member of the Ku Klux Klan, but made it plain that he does not intend to resign from the court.

His silence on the main issue with the President before making a statement. He merely said that he

could be interpreted as tacit admission of Klan membership, at least in the past.

He said that if he made a statement he would do so in such a way that the people could hear and understand him without the risk of misquotation or incomplete reporting by "some parts" of the press.

Asked if this meant a radio speech, he said reporters could draw their own conclusions. Mr. Black asserted that he had not been in communication with President Roosevelt during his trip, but evaded a direct reply to a question whether he would get in touch with the President before making a statement. He merely said that he

did not intend to "go out West" to news-reel men from New York see Mr. Roosevelt.

He and Mrs. Black, who accompanied him abroad, left here by ship, who took part in the ship automobile for Washington soonboard interview.

He kept smiling and maintained a jovial manner despite some questions which brought a cold, hard look into his eyes. He joked with the camera men, and cheerfully obeyed their orders to stand here or there, and do this or that, until he decided they had taken enough pictures, whereupon he walked away from them without heeding their agonized protests.

He exchanged pleasantries with Washington correspondents who knew him when he was Senator from Alabama before his appointment to the Supreme Court and his confirmation by the Senate last month, and who continued for old-time's sake to address him today as "Senator."

He shook hands with several of his fellow-passengers as he went down the gangplank, and waved his hat to some of them lining the ship's rail, who applauded him as he entered an automobile.

His experience as a trial lawyer and a county prosecutor stood him in good stead in this respect, while his outstanding achievement as a Senator, that of acting as chief New Deal inquisitor in the air-mail, ocean steamship and utility lobby-investigations, gave him a background that enabled him to parry with the greatest of ease all questions he did not choose to answer.

He passed early this morning between the Virginia Capes and past the great forts with their big coast-defense guns which guard one of America's finest harbors.

She dropped anchor at the Quarantine station, off historic Fort Monroe and Old Point Comfort, where it had been mistakenly rumored that Justice Black might be taken off clandestinely to evade the press.

Reporters in one customs boat and photographers in another, who had left the old army base at Norfolk about 6 A. M., climbed up the boarding ladder of the City of Norfolk at Quarantine in a smooth sea about 7 o'clock, after the public health doctors had certified her passengers and crew as free from contagious disease.

In contrast to the game of hide-and-seek he played with reporters in London and Paris immediately after the allegations of Klan membership were published the middle of this month, and the secretive way in which he boarded his ship at Southampton, Justice Black was open and pleasant, for the most part, in receiving the press on his return to home shores.

He made no attempt to leave the ship furtively or to evade the nearly 100 reporters, photographers and

Four friends of Mr. and Mrs. Black boarded the ship from the same cutters as the press men.

Interview Waits on Breakfast

Justice Black drew the correspondent into his cabin and they had a long, confidential chat. The correspondent then came out and assured everybody that Mr. Black would see the press after breakfast, though he probably wouldn't answer the questions that everybody wanted answered.

Justice Black, looking very much like Tris Speaker, the old-time baseball player, with his hat off.

Two representatives of the steamship line also went aboard. While these persons went to Black's cabin, No. 18 on the lower deck, the press waited outside.



Times Wide World

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But His Studied Replies Avoid Any Statement on Klan Charges

WILL BE AT COURT OFFICE

did not intend to "go out West" ten news-reel men from New York see Mr. Roosevelt. He and Mrs. Black, who accompanied him abroad, left here by press, who took part in the ship automobile for Washington soonboard interview. He kept smiling and maintained after his ship docked.

Answers Apparently Rehearsed Justice Black's arrival thus took on something of the aspect of the homecoming of a political celebrity, on something of the air of austere dignity which usually surrounds the comings and goings of members of the highest tribunal. But the serious undertones and implications of the situation were obvious in everything said and done.

It was apparent from his careful choice of the words in which he answered in virtually identical language, one leading question after another, that he had rehearsed himself for the interview, to avoid committing himself before he had a chance to consult with friends and advisers in Washington.

His experience as a trial lawyer and a county prosecutor stood him in good stead in this respect, while his outstanding achievement as Senator, that of acting as chief New Deal inquisitor in the air-mail, the ocean steamship and utility lobby-class ship with only eighty-three ng investigations, gave him a back-passengers, was near the end of her ground that enabled him to parry ten-day transatlantic trip, made with the greatest of ease all question-passed early this morning between asked as they were by reporters without the power of subpoena of great force with their big coast-line he right to punish for contempt—America's finest harbors. now that he was the interrogated She dropped anchor at the Quarantine station, off historic Fort Monroe and Old Point Comfort, rather than the interrogator.

The interview took place on Justice Black's ship, the Baltimore, which had been mistakenly run-mail liner City of Norfolk, taken on plowing across historic Hampton Roads, scene of the battle between the Monitor and the Merrimac and had left the old army base at Norfolk about 6 A. M., climbed up the center of a great modern area of commerce, shipbuilding and manufacturing. about 7 o'clock, after the public health doctors had certified her passengers and crew as free from con-

Jovial Air in Receiving Press In contrast to the game of hide-and-seek he played with reporters in London and Paris immediately after the allegations of Klan membership were published the middle of this month, and the secretive way in which he boarded his ship at Southampton, Justice Black was open and pleasant, for the most part, in receiving the press on his return to home shores.

He made no attempt to leave the ship furtively or to evade the near 100 reporters, photographers and name cutters as the press men.

Justice Black drew the correspondent into his cabin and they had a long, confidential chat. The correspondent then came out and assured everybody that Mr. Black would see the press after breakfast, though he probably wouldn't answer the questions that everybody wanted to ask.

"Appreciates" Press Greetings Justice Black, looking very much like Tris Speaker, the old-time baseball player, with his hat off,

A uniformed cabin boy stood guard outside Justice Black's door, while reporters and photographers packed the corridors so that passengers had difficulty getting through to their rooms. After a while Mr. Black came out, smiling, and shook hands with a Washington correspondent at the head of the line who called him Hugo and who was in turn addressed by his first name.

Mrs. Black and Mrs. Woodward left the cabin shortly to take breakfast in the dining salon, where they were promptly joined by women reporters. Mrs. Black, smiling but apparently nervous, told how much she had "enjoyed" the company of an American reporter in London during the days when Justice Black would receive the press after breakfast.

Two representatives of the steamship line also went aboard. While these persons went to Justice Black's cabin, No. 18 on the lower deck, the press waited outside. In the main, the press was determined to get the story out of the ship, and the press men called the ship "the pirate," who had been scouring the waters of Chesapeake Bay for a long time. The press men called the ship "the pirate," who had been scouring the waters of Chesapeake Bay for a long time. The press men called the ship "the pirate," who had been scouring the waters of Chesapeake Bay for a long time.

his half bald head and his thin hard-bitten face, then opened his door and said to the reporters: "I appreciate this wonderful reception. It's fine. But I would like to get some breakfast and the waiters can't get in here. I'd like some ham and eggs."

Leaving an outpost stationed to warn them of unexpected manoeuvres, the press retreated to the upper deck, where passengers told them that Justice Black had refrained from discussing the case with them, that news of it had been kept out of the ship's newspaper, that the Blacks had sat at the captain's table, that he had played shuffleboard, and that everybody liked Mrs. Black, although opinions were divided about the justice.

When Mr. Black came up to the boat deck, where the movie men had set up their equipment, it was nearly 8:30 o'clock and the ship was coming into her dock about five miles from the center of this city.

The short, spare figure of the 51-year-old justice was clothed in an Oxford gray business suit, with a handkerchief in breast pocket; he was wearing a gray fedora hat, red and gray four-in-hand tie, and black shoes.

For a few minutes Mr. Black, smiling toward every direction of the compass in response to requests from the cameramen, complied with all their wishes.

"Get all you want," he told them.

Calls a Halt on Photographers

Then he showed the same quick transformation which observers had noted in the Senatorial inquiries he conducted at Washington. Suddenly dropping his air of soft acquiescence, he put a hard note in his voice and a stern look in his face as he told the photographers:

"Get 'em fast now; let's get through with this part of it."

A moment later he said "that's enough pictures," and walked away from the circle of lenses.

Surrounded now by reporters he said:

"Make is short and snappy."

Somebody asked him how he had enjoyed his trip.

"We had a fine time; a delightful trip," he replied.

"What are your immediate plans?"

"We are going to Washington with the Durrs. (Mrs. Durr had joined her husband at the pier.) We are going straight from here by automobile."

"And now, the burning question, Senator —" began a reporter.

Justice Black interrupted:

"I appreciate very much this great reception you have given me. When I have any statement to make that's definite and final on any subject, I will make it in such a way that I cannot be misquoted, and that the nation can hear me."

Although most of the reporters caught this answer as just given, some thought Justice Black meant the words "that's definite and final" to be a parenthetical declaration of finality to his refusal to

make a statement at this time.

"Does that mean that you are going to make a statement over the radio?" he was asked.

"Draw your own conclusions," he said.

"If I make any statement," he added in a tone of finality, "it will be in a way that the people can hear me and understand what I have to say, and not have to depend on some parts of the press which might fail to report all I have to say."

Waving away several questions on secondary matters, Justice Black added:

"I have made all the statement I care to make."

He then said:

"Now if any of you gentlemen want to follow me, I am going onto the highway to Washington, and it is a public highway. I understand it is a lovely drive. But I tell you right now that I am not going to say anything more today. It will be no use to ask me anything else."

With this Mr. Black started to walk away as if to close the interview.

Asked Specifically About Klan

"Mr. Justice," he was then asked, "will you answer the specific question whether you are or have been a member of the Invisible Empire, Knights of the Ku Klux Klan?"

The question was phrased in this way because statements by former Klansmen have indicated that Klan ritual permits a Klansman to deny membership for opportunist reasons if he is asked whether he belongs to the Klan, the Ku Klux Klan or the like, but does not allow him to disclaim membership if asked whether he belongs to the Invisible Empire, Knights of the Ku Klux Klan, the official name of the secret organization whose membership is limited to "native-born, white, gentle, Protestant Americans."

Halfway through the question Mr. Black turned away from the questioner and began to talk with another reporter, so that the questioner had to raise his voice to make the final words heard.

Justice Black then turned back toward the questioner and with a steely smile asked:

"Who are you?"

"A reporter for THE NEW YORK TIMES," was the answer.

"I repeat what I said before,"

Justice Black replied. "If I have a statement to make, I want the public to hear me make it, and not depend on some parts of the press which might not give the public all the facts."

The same reporter then asked:

"Will you take your place on the bench next Monday [the day when the Supreme Court reconvenes]?"

"The answer is the same," replied Justice Black. "I am not going to depend on any misquotation anywhere in the nation."

Wants Reporters Identified

He frequently asked questioners to identify themselves. Before the mass interview a reporter offered to show to him copies of The Pittsburgh Post-Gazette containing the

series of articles by Ray Sprigle, a West." When Mr. Black reached the foot of the gangplank, a Negro reporter who had not boarded the ship at quarantine met him and asked for a special statement for the Negro press.

"No," replied Mr. Black, "I couldn't break faith with the other reporters."

Justice Black was the first passenger off the ship, following closely evening newspaper and press association reporters who raced down the gangplank to notify their offices by telephone and telegraph that the Justice was at last talking, but not saying much more than he had said in Europe.

A little later Mrs. Black, a slight, gray-haired woman of gracious manner who is the mother of three children, came ashore, wearing a black cloth coat with a silver fox collar. She received applause from practically all her fellow passengers, whereas her husband was applauded by only a minority of the men and women aboard, who appeared to be just as sharply divided over the Supreme Court and Black issues as people ashore.

Another reporter questioned in the same way by Justice Black identified himself as a reporter for an "Old Guard" Republican newspaper in New York City, whereupon the jurist turned away without answering his question.

When another reporter at the group interview asked the same question, which dealt with whether the justice might make a radio speech, it was answered.

"Can you say when you will make this statement?" Mr. Black was asked.

"Ample notice will be given if I make a statement, so that the public can get it," he replied.

Careful as he has been hitherto to avoid giving any information in his answers, Justice Black was caught unawares by the apparently innocuous question of a girl reporter with a deceptively ingenuous smile, who asked:

"Where can we find you in Washington, Senator? Will you go to your office in the Senate Office Building?"

"I'll probably go to my office in the Supreme Court," Justice Black corrected her.

A sudden change in his smile then indicated that his brain had flashed a warning that this answer showed he had no intention of resigning his new life job, and thus kept him from making a 100 per cent score in noncommittal answers.

Not to See President on Tour

He then cut short the interview.

"I appreciate your courtesy," he told the reporters a second time.

"I am glad to be home. This has been a great reception. I am very happy over it all."

That was the end of the general interview, but several reporters followed him off the ship.

"Have you been in communication with the President during your trip?" one asked as the Justice started down the gangplank.

"No," was the answer.

"Do you expect to consult him before you make any public statement?"

"Who are you?" Justice Black asked.

The reporter gave the name of a local newspaper.

"Well," replied the Justice, "I read in your paper this morning (papers had been delivered at quarantine) that the President is way out West. I don't intend to go out

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Examination of Baggage Sped

Major I. W. Truxtun, Collector of Customs, and Mrs. Truxtun met Justice and Mrs. Black at the pier. The Customs officials expedited the examination of the Blacks' baggage but did not give them the freedom of the port. Their declarations were checked and their baggage was examined before they left the pier about 9 A. M. to drive to Washington.

As the Blacks were leaving, a Customs official who had been standing guard during the inspection of their baggage turned to this reporter and produced from his pocket a clipping from the local newspaper The Norfolk Virginian Pilot.

It was a reprint of a Baltimore Sun cartoon, representing an imaginary Customs examination of Justice Black's luggage, showing a Customs inspector hauling a hooded, masked and sheeted K. K. K. costume out of a bag and asking:

"Did ja declare this suit, Mista?"

The reporter thought at first that the inspector was an ardent New Dealer indignant at an affront to judicial dignity. But the inspector quickly corrected this impression.

"That's a hell of a way to draw a Customs inspector," was his complaint.

"You never saw a Customs mar that looked like that. Why, it's just a caricature."

LIBERALS have been reading, with no little embarrassment and bewilderment, the currently published statement which notoriously flouts the law to gain its ends, must roofs that Hugo L. Black, recent appointee of President Roosevelt to the United States Supreme Court, has been, and presumably still is, a member of the Ku Klux Klan. Black joined the Klan, which is more hooded order in 1923. Two years later, after he had secured the backing of the administration which appointed him as its candidate for the United States Senate, he wrote a *pro forma* resignation—politically useful in case he had occasion to deny that he was a Klansman. A year after that, he and Governor Bibb Graves received gold badges of life membership and Black expressed his gratitude to the Klan for electing him. Alabama was pretty well in the grip of the Klan at that time. Now the particular mess that this whole episode reveals and illustrates is this: Black is a social liberal and a supporter of all the new deal policies; his enemies, both in his own state and in the recent contest over the confirmation of his appointment as a Supreme Court justice, may be described, at least in a general way, as economic reactionaries. But the Klan is a thoroughly reactionary organization. Its methods are the most dangerous form of fascism that has yet appeared in America. Economic interests probably had more to do with its growth than racial or religious prejudice, and in its later recrudescence it has given as much attention to fighting everything that conventional hundred-percenters call communism as to disciplining the Negroes and Catholics. And now we have Klansman Black the President's first choice to redeem the Supreme Court from that economic conservatism, superinduced by senility, which was an obstacle to the new deal's social liberalism. It doesn't quite make sense.

Black Appointment Will Be Revived As Congress Issue

WASHINGTON, Nov. 15.—(AP)—The act had increased the emoluments of justices and under the Constitution made members of Congress ineligible.

Supreme Court will be made an issue in the special session of Congress. Senator Bridges (R), New Hampshire, announced today.

He said he would demand a new rule requiring that in the future all Supreme Court nominations be subject to public hearing.

He recalled that he had sought in vain to have the Black nomination sent back to committee for hearings when reports circulated that Black had been a member of the Ku Klux Klan. Black's public statement that he was once a member of the Klan was made after Congress adjourned.

The Supreme Court turned down today two new petitions against Black.

Three Florida corporations failed in a second effort to gain a rehearing on litigation against attempts of the SEC to secure their telegrams. The companies based their plea on the ground that Black was not qualified to sit in judgment on the case because as chairman of the Senate lobby committee he had favored similar action.

The court also denied a request by Elizabeth L. Seymour, of Salamanca, N. Y., and Robert Gray Taylor, of Media, Penn., for permission to file a brief "containing certain allegations affecting the legality of the oath" taken by Black.

Later in the day Senator Burke (D), Nebraska, said the tribunal should pass on the abstract question of the eligibility of members of Congress to sit on the court in view of enactment of the voluntary retirement law.

Burke said there might be further appointments of Congress members to the court. He said Atty.-Gen. Cummings should start quo warranto proceedings to determine Black's status and thus settle the issue.

Some senators have argued that enactment of the voluntary retirement

Liberals and Reactionaries Are Badly Scrambled

PERHAPS this incident is only symptomatic of the confusion of the times and the complexity of the social and political issues. In commenting on the appointment of Senator Black to the Supreme Court, The Christian Century (Aug. 25) noted his "known opposition to federal anti-lynching legislation and the suspicion that he shares the conventional southern white position on the race issue." A great many southerners manage to combine sympathy with the Klan's objectives and methods, violently reactionary as they are, with hearty approval of the administration's liberal social policies. Further comment upon Mr. Black's fitness for his new position as an interpreter of the laws and of the Constitution, including the

"MAINTAINING WHITE SUPREMACY"
WHEN THE controversy over Supreme Court Justice Black's membership in the Ku Klux Klan was raging, some of his defenders proclaimed that the Klan was dead and would never again be a force in American politics. Liberty Magazine asked Hiram W. Evans the question, "Is the Klan Coming Back?" and the Imperial Wizard answers in the current issue of that magazine with the boast that the hooded order is stronger than ever.

The article in question contains some amazing statements among them is this one: "Once a Klansman, always a Klansman." Then the following reason is given:

"Before a man can join the Klan he must answer a long list of questions which go deep into his fundamental beliefs. He doesn't unbelieve these things. They are too much a part of him. They were his before he joined the Klan. They would have been his if the Klan had never existed. That is why we know that every Klansman who has ever taken the oath believes as he did when he took it."

Well, that ought to be a good reply to Justice Black's radio plea for tolerance.

Looking back over the record we find that the Klan met these so-called problems by conducting a reign of terror, by the liberal use of tar and feathers, the rope and faggot and by mob rule. In most civilized countries there is no defense for murder and mob rule but in the United States we find that the head of so lawless an organization as the Ku Klux Klan can with impunity boast of the exploits of his organization in the past and of its secret power in high places of our government at the present time.

The federal government saw fit to break up the activities of the "Black Legion" in

In the same article, the Imperial Wizard sets forth the reasons why the Klan is opposed to the Jew, Catholic and Negro. In speaking of the Negro, the author tells of a transatlantic telephone interview with a reporter for the London Express.

"Will you be able to maintain white supremacy in the Southern states?" was one of the queries.

"We've been doing for seventy years, since the end of the Civil War," the Klan head replied.

"But how?"

"By meeting the problem as it presents itself. That's what we are going to continue

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The Supreme Court

Two years later, after he supporting the administration which appointed him be- had secured the backing-cause of its liberalism, while Mr. John L. Lewis, in his labor of the Klan as its candidate for the United States Senate, day speech, criticizes the President because he is not lib- he wrote a *pro forma* resignation—politically useful in case of enough in his attitude toward labor. One thing is he had occasion to deny that he was a Klansman. A year later: The terms "liberal" and "reactionary" can no longer after that he and Governor Bibb Graves received goldde used to define any man's position unless they are them- badges of life membership and Black expressed his grati-elves further defined.

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Michigan as illegal and against public policy. Why should the Ku Klux Klan be treated any differently? The files of the Federal Bureau of Investigation contain plenty of evidence against this group, and more can be secured. An investigation of Klan activities in the Empire State would show, we believe, that the fires which destroyed the so-called "Divine Heavens" were of incendiary origin and were started because whites and colored lived together in these places.

To our way of thinking the article by Imperial Wizard Evans is a challenge not only to the racial groups which his organization is fighting but to the government itself. Will the New Deal let the Klan intimidate it?

RADIO TALK IS BRIEF

James
Manoeuvre Against Him,
He Says, Is a Threat to
Public Harmony

10-2-37
RECALLS FIGHT ON SMITH

New York
Anything That May Bring Back
the 'Political Religionist' Calls
for Reply, He Holds

By LEWIS WOOD

Special to THE NEW YORK TIMES.

WASHINGTON, Oct. 1.—Justice Hugo L. Black told the American people tonight that he had once belonged to the Ku Klux Klan, that he had resigned before he became a Senator, that he had never rejoined, and that his public record spoke for itself.

While an "unsolicited card" had been given to him by the Klan after his nomination to the Senate, he declared he had not looked upon it, nor did he now look upon it as "a membership of any kind in the Ku Klux Klan."

"I never used it. I did not even keep it," he added.

In a nation-wide radio speech, brief and restrained in tones, the new justice declared that a "planned and concerted" campaign, started against him while abroad, would, if continued, revive the bitter antipathies of the 1928 Presidential campaign when Governor Alfred E. Smith of New York was the Democratic candidate.

Deploring any development that would bring the "political religionist" back to the public stage, Justice Black asserted that he would not depart from the silence shrouding a member of the highest judicial body, except that the "manoeuvre" against him "threatens existing peace and harmony between religious and racial groups" of the United States.

Emphasizes Religious Liberty

"Any program, even if directed by good intention, which tends to breed or revive religious discord or antagonism, can and may spread with such rapidity as to imperil the vital constitutional protection of one of the most sacred of human rights," he said at the outset of the speech as he emphasized the Constitution's safeguard for liberty of religious belief.

He was utterly frank about the Klan.

"I did join the Klan," he said. "I later resigned."

Specifically he said, and reiterated, that he had dropped Klan allegiance before becoming a Senator, and added that he "never expected" to resume his former pledge of fealty.

Without mentioning the hooded society by name, Justice Black emphatically expressed antipathy to "any organization or group which anywhere or at any time, arrogates to itself the un-American power to interfere in the slightest degree with complete religious freedom."

Throughout the speech, he stressed his utter divorcement from any prejudice toward Jews, Catholics or Negroes, and, in substantiation, pointed to his eleven-year career in the Senate where, he said, he had been "under constant and microscopic scrutiny."

Wonder as to Possible Prediction

After the speech, its dissection started with the result that there was some wonder if Justice Black predicted a resurrection of Ku Klux Klan if religious antagonisms were again created through what he said was a concerted attack upon him.

It was also noted that although his explanation that he once was a Klan member was offered over the air, he had not made any statement to the American public while the same rumors were repeated on the Senate floor by Senator Copeland, nor when Senator Borah asserted he had received assurance that the Supreme Court nominee had no membership in the organization.

Another point made was that although Mr. Black disclaimed any significance in the "gold card" given to him and construed by some as meaning life membership, he had, nevertheless so the allegations read, attended the Klan meeting at which this was proffered.

Says Discussion Is Closed

Justice Black made it perfectly plain that he considered his speech as closing the discussion over his Klan membership, and what he thought might be conclusions that therefore he was antagonistic toward the races and creeds fought by the organization.

"When this statement is ended the court in the opening paragraphs of his address when he closed," he tersely stated.

There was not one word in the short address about President Roosevelt, nor about the circumstances under which the justice was nominated and confirmed; not which the United States suffered in a single allusion to the sensation created throughout the United States when the President revealed his choice.

Nor was there a hint of any attack on corporations and big business, which he has so vigorously assailed on the floor of the Senate and through his crusading investigations. Assumptions that he would blame what he terms the forces of reaction for the disclosure of his Klansmanship had to be cast aside, for he did not allude to this subject in the slightest way.

Speaks for Only 11 Minutes

Using only eleven minutes of the thirty allotted to him on one of the greatest radio hook-ups ever made available to any speaker, Senator Black was calm and poised, accentuating few parts of a speech textually released a short time before he at the microphone. His measured tones were identical with those he had used many times on the Senate floor, and he appeared to have absolute command of himself.

Mr. Black, in his soft Southern voice, stressed especially the point that he, a Supreme Court Justice, would not have spoken were it not necessary to ward off a possible recurrence of religious feeling in politics and American life. Likewise he emphasized his statement, that attacks upon him were deliberately planned, and upon the assertion that his record as a Senator was devoid of intolerance toward any religious or racial group.

He followed meticulously the text of his manuscript, making only two insignificant changes.

Neither explanation of nor excuse for his original membership in the Klan was offered by the new justice despite theories that he might justify this by a general statement of political expediency, and, per-

haps, a direct or indirect statement that other politicians, even present members of Congress, were likewise obliged to join the order if they wished to succeed at the polls.

That Justice Black would take his seat on the Supreme bench next Monday was gainsaid. He alluded to himself as a member of the court in the opening paragraphs of his address when he excused himself for breaking the silence surrounding these men for decades.

While the Alabamian denounced "practices and arguments" from which the United States suffered in 1928, he failed to name Governor Smith, nor did he affirm or deny reports that he had not supported the Democratic candidate. But he said that the campaign was fought along lines unworthy "of a free people."

Racial Antipathy Is Denied

Woven throughout the speech was Mr. Black's argument as to his own attitude toward those not of his racial or religious complexion. He said his record as a Senator showed that he was one of a group which consistently battled for rights of the Americans, regardless of race or creed. He asserted that he had friends among the Negroes who, he added, were entitled to all the protection of the Constitution. This was construed by some of his hearers as a possible allusion to the Scottsboro case tried in Alabama, the justice's home State.

In considerable detail he went into his friendship with Catholics and Jews in Birmingham, saying that twenty-five years ago he formed a friendship with a Jew who appealed to him so much in the role of a father, that when he joined the army in 1918, he made the man the sole executor of his will. He noted that the widow of his friend was a guest at his home during the Roosevelt inauguration, and was one of the very first to congratulate the Senator when resident Roosevelt electrified the nation by the nomination.

Speaks at C. E. Hamilton Home

The living room at the home of Charles E. Hamilton Jr., at 3,122 Tennyson Street, was the scene of the historic broadcast. Mr. Hamilton, an Alabamian and an old friend of Justice Black, is general counsel of the Reconstruction Finance Corporation, in the employ of which are also two brothers-in-law of the justice. Clifford Durr, who

married Mrs. Black's sister, and Sterling Foster, Mrs. Black's brother, Mr. Durr, made arrangements for the broadcast.

Time on the air was given to Justice Black by the broadcasting stations and conflicting programs were accordingly canceled. It was asserted that the time allowed on the Red and Blue networks of the National Broadcasting Company would cost any ordinary advertiser \$23,000. Mystery surrounded the movements of Justice Black during the day, but it was understood that, as was the case yesterday, he was closeted with friends making the final adjustments on the talk to an audience which was estimated at a potential 5,000,000 if they cared to tune in on receiving sets.

Every possible protection was taken to guard the contents of the address and not a detail was divulged in advance until a short time before actual delivery, when copies were made available to the newspapers.

Sets Precedent for the Court

Justice Black's radio address shattered a precedent long existing with Supreme Court justices who have remained aloof, and clothed with dignity and reserve have refused to discuss political issues, or indeed, any subjects of a controversial nature. When Justice Hughes was discussed for the Republican Presidential nomination in 1916 he remained silent and on the eve of the convention spoke to a girls' school on the generalities of patriotism and national unity.

This cloak of silence on such issues has been worn for decades although in earlier days of the Republic public justices of the high court projected themselves into the political arena in striking instances.

Radio has been used seldom by Supreme Court justices, even for non-political talks. Mr. Taft spoke over the air in connection with a money-raising campaign for Yale. Mr. Hughes spoke when the cornerstone of the Supreme Court was laid and at meetings of the American Law Institute.

When Justice Oliver Wendell Holmes retired from the bench he talked briefly on his ninetieth birthday, closing the address with "Death plucks my car and says, 'Live. I am coming.'"

Nomination Was a Surprise

Not until President Roosevelt announced it was there any intention that he intended to nominate Senator Black to the Supreme Court. At noon on Thursday, Aug. 12, the Senate received the name in a sealed envelope. Only a short time before, one of the Presidential secretaries had indicated that the choice for the Court would not be submitted to then dying session of Congress. Instead, however, the President, keeping his secret to himself, wrote Senator Black's name on the usual nomination form and dispatched it to the Senate. The selection was ascribed by

many to a Presidential demand for have the "constitutional" oath administered by the Chief Justice of the United States in the robing room the day the new member appears. The judicial oath is then administered by the clerk of the court at the bench. It is assumed that Justice Black will repeat the judicial oath when he appears in court next Monday, but he is under no compulsion to do so.

Although Stephen T. Early, a Presidential secretary, intimated on the day of the nomination that sixty or seventy candidates were being considered, it was later reliably learned that the President had narrowed his calendar down to three men, Senator Black, Senator Min-ton of Indiana and Solicitor General Reed. In the end, it was stated, he resolved to name one of the Senators on the theory that the time-honored, but now tenuous, principle of Senatorial courtesy would allow the nomination to slide through with little or no opposition. So it proved.

Nomination Quickly Approved

The very day following the nomination the judiciary subcommittee approved the choice by a vote of five to one, even though already faint charges of Klan membership were heard. On Aug. 16 formal approval of 13 to 4 was given by the committee, and the day after that Mr. Black was confirmed after a debate confined to one session of the Senate.

Senator Copeland made the accusations of Klan allegiance before the Senate at the outset, but other members, including Senator Borah, said they had been assured that Mr. Black was not a Klansman. Confirmation was voted, 63 to 16, with ten Republicans and six Democrats standing out against the nominee. Fifty-seven Democrats voted "yea."

That was on Aug. 17. Two days later Senator Black had luncheon with the President at the White House, and as he left with his commission under his arm he assured newspaper men that he did not know when or where he would take oath. About five or six hours later he did take oath in a virtually secret ceremony, the details of which were revealed a month later.

It was known that Mr. Black had sworn to some sort of an official pledge, but as this occurred near the end of a worn-out Congress and amid a period of torrid weather, little attention was paid to the matter. The assumption was that the oath was the ordinary "constitutional" oath to which all government servants subscribe, but it developed that Mr. Black took not only this oath, but that of associate justice at the same time.

Both Oaths on One Form

Both oaths were printed on one form and were signed by Senator Black with only Colonel Edwin A. Halsey, secretary of the Senate, and Charles F. Pace, financial clerk of the Senate, present.

Mr. Pace had with him a copy of the constitutional oath on a typewritten piece of paper, but Senator Black preferred to use the dual oath, supplied by the Department of Justice.

Jurists of lower courts often use such a twin form, but those of Supreme Court are accustomed to

At the same time it was learned that the two Republican nominees on the slate of the First Judicial District, Charles E. Buckner of the Bronx and Justice Nathan D. Perlman of the Court of Special Sessions, whose withdrawal by the Republicans to prepare the way for a G. O. P.-Labor party fusion arrangement had been discussed, had reached a decision to remain on the slate after a visit at the City Hall.

The members of the law committee of the American Labor party remained in session late last night considering recommendations but reached no decision. The time for filing substitutions will not expire until midnight Monday.

Earlier Justices in the Arena

Although Supreme Court justices have refrained for years from projecting themselves into the public arena, their predecessors did not hew to this line.

For instance, John Jay ran for Governor of New York without resigning as Chief Justice, and William Cushing remained on the court while running for Governor of Massachusetts. In 1800 Justice Samuel Chase actively supported John Adams for the Presidency, while Justice Bushrod Washington just as actively supported Charles C. Pinckney.

Many of the justices, when holding court on circuit, gave jurors the benefit of their strong political views. The climax came when Justice Chase, charging a Federal grand jury in Baltimore in 1803, denounced the Circuit Court Act passed by Congress in 1802, the Constitution of Maryland, and universal political suffrage as leading inevitably to anarchy.

Justice Chase was tried on impeachment charges. However justified they may have been they were undeniably a political move by President Jefferson against Federalist judges. Chase was found guilty by a majority, but not the necessary two-thirds of the Senate, or three of the eight charges.

If Chase had been removed, the turn of Chief Justice John Marshall would probably have come next. Marshall's decision in Marbury v. Madison, declaring that the Supreme Court had the power to invalidate acts of Congress, had struck the Jeffersonians as purely a political move against the President. Marshall's defenders say that he let political animosities influence his conduct of the trial of Aaron Burr for treason in 1807.

Nation's Press Almost United in Denouncing Black Speech

Editorial comments from newspapers here and elsewhere on Justice Black's speech, as gathered by The Associated Press and THE NEW YORK TIMES, include the following:

NEW YORK

Holds He Has "Pleaded Guilty"

From The Sun (Ind. Rep.).

He has been on trial as a man nominated to the greatest and most respected court in the whole world. He has finally pleaded guilty to a charge which, while not disqualifying him technically from holding the office of Associate Justice, should morally disqualify any man from such a place. And yet, when Hugo L. Black takes his seat in the Supreme Court on Monday the people will remember that it was not he who put himself there. He will be there by grace of Franklin D. Roosevelt, with the consent of a Senate majority dominated by the President.

His Defense "Too Clever"

From The World-Telegram (Ind.).

Hugo Black's address to the nation was the work of a brilliant prosecutor suddenly turned to the defense. It was an eloquent plea for tolerance. It was clever. But like too many of the recent happenings in the region of the Supreme Court, "too damned clever."

We admire tolerance as we admire few other traits in life. But we don't admire creduity.

Resignation Best for Country

From The Post (Ind.).

Mr. Justice Black's statement last night was inadequate and disappointing.

To a nation gathered to hear from his own lips his full and free answer to the charge that he was a Klansman, past or present, the justice turned an obdurate countenance.

He confessed his past Klan membership, but there was no explanation. There was, instead, a speech which contained two unpalatable notes, one defiant, the other mawkish.

We have not the faintest hope that Mr. Justice Black will resign. We do not see how he can be made to resign. But we repeat our belief that his resignation would be best for the country, regardless of the very real personal tragedy involved.

Ascends Bench "Under a Cloud"

From The Brooklyn Daily Eagle (Ind.).

Designed as a complete refutation of the charges made against him and calculated to end once and for all what he called "insinuations,"

his statement failed in many important respects to accomplish either. In so far as his "final" declaration goes, he should be given the benefit of all doubts as to his present attitude toward intolerance and bigotry. We may accept at its face value all he has to say regarding his lack of bias and prejudice. Yet he will ascend the bench under a cloud of doubts as to his complete integrity of mind and purpose.

NEWARK, N. J.

A Debate Just Beginning

From The Evening News (Ind.).

So it was true. Mr. Justice Black didn't tell the President, permitted his Klan affiliation to be denied in the Senate during the debate on his confirmation, and would have mounted the bench of the Supreme Court with his secret clutched to his bosom if a newspaper hadn't published the facts. His noble lecture on the evils of religious and racial hatred is, under these circumstances, repulsive. He announces that he has spoken the last word on this subject, but here is a debate that is just beginning.

TRENTON

"As Well as Could Be Expected"

From The Times (Ind.).

All things considered, Associate Justice Hugo L. Black did about as well as could be expected in his reply to charges of membership in the Invisible Empire of the Ku Klux Klan. De spite all possible excuses and explanations, the Klan label, past or present, is not a desirable adjunct of the judicial system.

JERSEY CITY

"Alibi Emphasizes" Klan Link

The The Jersey Journal (Ind. Rep.).

Every day that Mr. Black failed to answer a simple "No" to the question, "Were you a member of the Klan?"; every sentence of alibi and explanation only serves to emphasize the three words "I did not join." And not a word did he speak about why he resigned at a time when it might have been best for politics to continue a member of a discreditable organization. He "abandoned the Klan," to use his own words, but he did not renounce the Klan or its principles.

PORTLAND, ME.

"Demonstrated His Unfitness"

From The Evening Express (Ind.).

Mr. Justice Black in his radio speech last night in a manner cleared himself of any present connection with the Ku Klux Klan. But he demonstrated at the same time his utter unfitness for the position to which he was appointed by a President of the United States.

CONCORD, N. H.

"Sorry Climax" for President

From The Monitor (Ind.).

Associate Justice Black pleaded guilty to the charges leveled at him by the American people. He expressed no remorse and offered no apologies. The spectacle of a Supreme Court justice pleading with the people to forget his admitted disqualifications for the office he holds was a sorry climax to the rule or ruin policy of the President in regard to the Supreme Court.

BOSTON

"Gesture Will Deceive Nobody"

From The Transcript (Ind. Rep.).

The speech was the pose of a man who had sinned and repented. The gesture will deceive nobody. It will not lessen, in any degree, the size of the dark stain which has covered this judicial appointment from the beginning. Nor will it convince the people that Mr. Black is any more fitted now than ever he was for a place on the highest court in the land.

Asks What Roosevelt Thinks

From The Traveler (Rep.).

Hugo Black's pitiable defense of his political chicanery was both an insult and threat not alone to the three groups the Ku Klux Klan of the court, of true respect for good-will and of unselfish service toward quelling bad feelings would be his withdrawal.

SPRINGFIELD, MASS.

Reputation "Not Enhanced"

From The Union (Rep.).

Nothing that Mr. Justice Black said in his belabored defense either alters the ground for his disqualification for a place on the Supreme Court or enhances his reputation for judicial temperament and discernment.

WORCESTER, MASS.

Called a "Sleazy Politician"

From The Evening Gazette (Ind.).

At a time when all of his fellow members were conveniently ignoring his past, Mr. Black dared not come forward and destroy his own prospects by making such a statement as he has now put forward in his own defense. He was then, and he is now, a sleazy politician.

NEW BEDFORD, MASS.

Believes He Should Resign

From The Standard-Times (Ind.). We believe that in light of all the circumstances, including his own statement, he should resign from the United States Supreme Court.

PROVIDENCE

His Economic Views Defended

From The Star-Tribune (Dem.).

We don't like the idea of a Supreme Court Judge having been at any time or for whatever purpose associated with the Ku Klux Klan, but the issue is not religion, it is not race or creed; the issue is economics, and however much this one incident in Judge Black's past and his lack of frankness is to be regretted, the principal consideration is his forceful views on liberal economic and social problems.

NEW HAVEN, CONN.

Withdrawal Urged as Service

From The Register (Ind.).

He explains that he is a champion of civil, economic and religious rights of all Americans, infers that he will forever be one, that he wishes good-will to take the place of prejudice and suspicion but he seems not to understand that the most effective and immediate proof of true liberalism within his power to give, of true regard for the presiding of the court, of true respect for good-will and of unselfish service toward quelling bad feelings would be his withdrawal.

"Sensitive Will Avert Eyes"

From The Journal-Courier (Ind.).

Mr. Justice Black takes his place upon the high court a confessed ex-Klansman; having secured confirmation at least in part by the concealment of evidence from the President and the Senate. Mr. Roosevelt and the demi-liberals are welcome to him. The sensitive will avert their eyes.

BRIDGEPORT

Should Forgive "Early Indiscretion"

From The Times Star (Ind.).

While we advocate forgiveness, we do not in any sense wish to infer that Mr. Black's appointment is worthy of our approval. Christian tolerance, if there is any left in the hearts of those who politically dislike Roosevelt and Black, should at this late date forgive the early Klan indiscretion on the score of political expediency.

ALBANY

"Another Shower of Soot"

From The Knickerbocker News (Ind. Rep.). Justice Black's insistence that he resigned from Klan membership before entering the Senate helps not at all; it sprinkles another

shower of soot upon the already discolored ermine of his new robes.

ROCHESTER

"Guilty of Charge as Made"

From The Democrat and Chronicle (Rep.).

Justice Hugo L. Black is guilty of the charge as made. He was, by his own admission, a member of the Ku Klux Klan; as a member he either must have subscribed to the principles of intolerance, bigotry and racial hatred for which the Klan stands or he must have joined merely to get elected to office. Either inference is equally discreditable to a man who now assumes to sit on the nation's highest court. What does the public think of his defense, which excuses but does not justify? What does President Roosevelt think of it?

"Not Fitted for the Bench"

From The Times Union (Ind.).

One of the most unpleasant and deeply humiliating experiences in the entire history of this country reached its climax last night. The record to which he so proudly refers indicates he has repeatedly shown lack of consideration for the effect on the political and economic structure of the United States or for the effect upon millions of its people of the measures he advocates. This is closely akin to stubborn bigotry and intolerance. The conclusion is inescapable that a man so deficient in moral courage is not fitted for the Supreme Court bench. Mr. Justice Black ought to resign.

BUFFALO

Says Litigants Can Protest

From The Evening News (Ind. Rep.).

In his fireside chat to the public, Justice Black blandly refused to say just why he had joined the Ku Klux Klan. If he continues on the bench, every attorney representing a member of a group which the Ku Klux Klan terrorized can protest his sitting in judgment.

PHILADELPHIA

Usefulness "Gravely Compromised"

From the Evening Bulletin (Ind. Rep.).

The new member of the court asks the country to believe that Black the justice is fundamentally opposed to the principles which Black the candidate was willing to profess to advance politically. His own admissions make it clear beyond dispute that the nomination should never have been made; that it was confirmed with inexcusable refusal to sift the charges made and that his future usefulness has been gravely compromised.

Critics Doubt His Change

BALTIMORE

"Tried to Slip Into Supreme Court"

From the Evening Sun (Ind. Dem.).

Despite his public admission of last night, the fact remains that he did try to slip into the Supreme Court without letting the unpleasant matter of record, what the nation acts in his record be known.

WILKES-BARRE

However upright his subsequent conduct, Mr. Justice Black ascends the Supreme Bench under a cloud of self-made suspicion. No predecessor in that high place has felt the obligation of performing a single official function to "explain" him to the American people. His appointment, to say the least, was a political blunder as hard to under stand as it would have been easy to avoid.

SCRANTON

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From the Times (Dem.).

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ROCHESTER

Wants to Hear From President

Whether Black's critics agree with him or not, the fact remains that he enters upon his new phase of public duties with his usefulness already under a cloud that only time and the public's willingness to forget can dissipate. With Justice Black's long-awaited reply now a matter of record, what the nation wants to hear next is whether the President intends any further im-

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SCRANTON

Appointment "Political Blunder"

WILKES-BARRE

WASHINGTON

His Statement "Comes Late"

From the Evening Star (Ind.)

Justice Black's statement regarding his Klan connection comes late. He would be in better case today had he made it at the time his nomination to the court was before his fellow-Senators for confirmation. The country will judge for itself.

CLEVELAND

A "Disgrace to the President"

From The News (Rep.)

Hugo Lafayette Black, Mr. Roosevelt's first gift to American justice, last night at last admitted what he could no longer deny. He confessed what had already been proved up to the hilt. His presence on the Supreme Bench of the United States must be a never-ending insult to American ideals of government and American ideals of manhood. He is a disgrace to the court and a disgrace to the President whose reckless action put him there.

DAYTON, OHIO

"Some Forgiveness Allowed"

From the Daily News (Ind. Dem.)

In view of the widespread taint of the Klan in those dark post-war days some forgiveness can be claimed and allowed. We wish that Justice Black could have made a clean confession of error, plead the disturbed mentality of the times, then show forth, as Black could and did do, fruits meet for the repentance professed. Black did not go this whole way, and by that length he failed of that full claim to public sympathy.

CHICAGO

"Millions Will Not Forget"

From The Daily News (Ind.)

Justice Black's answer to the charge is a confession of its truth. No secret has been made of the embarrassment of the President in the whole matter. Millions of Americans of every racial stock and every religious belief will not forget this sole tangible accomplishment of more important that what he did President Roosevelt's attempted "liberalization" of the Supreme Court.

MILWAUKEE

Politician's "Humiliating Talk"

From The Journal (Ind.)

Why were the people of the United States asked to listen to this humiliating talk by a politician who joined the Klan when it suited him, resigned when it suited him? He left President Roosevelt in ignorance of his Klan affiliation. He sat in the Senate and heard his brethren question his affiliation when a single word would have enlightened them. Mr. Roosevelt thought he ought to have six appointments to the court. And Hugo L. Black is what he did with the one appointment he had.

MINNEAPOLIS

"Guilty, But Just Foolin'"

From The Journal (Ind. Rep.)

From his uneasy spot at the bar of public opinion, Mr. Black replied to the Ku Klux Klan charge as follows: "Guilty, but I was just foolin'."

ST. LOUIS

Taint of Klan Still on Him

From The Post-Dispatch (Ind. Dem.)

Black stands, by his own testimony, convicted of unfitness to be a member of the Supreme Court. The taint of the Klan oath that he took—though he forswears it now—is still on him. It stigmatizes him, the Senate that confirmed him and the President who appointed him.

KANSAS CITY

Appointment "Tragic Offense"

From The Star (Ind.)

The plain fact is that the justice was trying to explain away something that in the nature of the case could not be explained away. Accumulating evidence since his appointment confirms the impression made at the time that his elevation to the Supreme Court was a tragic offense against the American people.

OKLAHOMA CITY

He Would Gain "by Resigning"

From The Times (Ind. Dem.)

The weak thing that is proven on Mr. Justice Black is that he accepted membership in a movement he knew to be against the best interests of the American form of government, for political expediency. It is not in the cards, but Mr. Justice Black would enhance his national prestige and do President Roosevelt a great service by resigning.

DENVER

Full Explanation Held Lacking

From The Post (Ind.)

Two things Justice Black of the United States Supreme Court did not explain in his precedent-shattering public confession of his relations with the Ku Klux Klan are more important than what he did explain. He did not explain why he ever joined the Klan in the first place, and he did not explain why he quit it.

LYNCHBURG, VA.

From The Advance (Dem.)

"Strange Words" from Ex-Member

Justice Black took occasion to attack those who had revealed his affiliation with the Klan. He charged them with an attempt to left President Roosevelt in ignorance of his Klan affiliation. He racial strife. He denounced them as imbued with intolerance and desire to fan flames of prejudice. Strange words, indeed, to come from a man who admitted unequivocally that he not only in the favor of an organization but became a member of the order, which is generally regarded as built upon the very tenets which Justice Black now so vehemently denounces.

RICHMOND

"White Hood Will Not Down"

From The News Leader (Ind. Dem.)

A full, frank statement, ringing true in every word and ending with an offer to resign in order that the President and the party might be relieved of odium, would have given Mr. Justice Black a reputation we fear he never can get now. The specter of a white hood amid the black gowns of the court will not down.

NORFOLK

"Unwholesome Record" Unbroken

From The Ledger-Dispatch (Ind. Dem.)

Justice Black's answer to the Klan charges is a plea of guilty. His repudiation of the poisonous Klan philosophies now does not wipe out the unwholesome record of the silence that was broken only after public clamor had become great. He has been guilty of a break it. He has been guilty of an amazing lack of candor.

CHARLOTTE, N. C.

"Didn't Return" Membership Card

From The News (Dem.)

The burning question for Senator Black to answer in his statement last night was: Did he recall, while his colleagues in the Senate were defending him from the charge of Klan membership, that he had been made a life member of that outfit? Apparently he did recall it. He had been given a card—"unsolicited," it is true, which he did not even keep. But he didn't return it.

COLUMBIA, S. C.

Should Let Him "Live It Down"

From the Record (Ind. Dem.)

That he now regrets, wishes to forget and has been trying to live down (Klan membership) should be accepted, and his record on the Supreme Court left to speak for itself. It may indeed happen that as a burnt child who dreads fire he may turn out to be a champion of the Bill of Rights.

ST. PETERSBURG, FLA.

"Disposes of Intolerance Charge"

From the Evening Independent (Ind. Dem.)

Last night's statement does not establish Mr. Black's fitness for the Supreme Court, which has been challenged on other grounds than Klan membership. But it does seem to dispose of the charge that he is liable to display racial or religious intolerance.

MONTGOMERY, ALA.

"Should Disarm" New Deal Foes

From the Alabama Journal (Dem.)

Justice Hugo L. Black's frank utterance should have the desirable result of further disarming those who grope desperately for any weapon that would injure or embarrass President Roosevelt, the New Deal, and those representatives of the people who have attempted to carry out the purposes of the present administration in restoring the government to the people.

NASHVILLE

Silence "Eloquent of Fear"

From the Banner (Ind.)

Associate Justice Hugo L. Black may possess courage, but he assuredly lacks candor. It was an effort where the whole truth would have been destructive in its embarrassments. The silences of the speech were eloquent of fear to make full disclosure.

LITTLE ROCK, ARK.

"Should Close the Incident"

From the Arkansas Democrat (Dem.)

It was a straight-forward confession without apologies and should close the incident. Compilation of comment shows plainly that the justice's membership in the Klan is purely political.

HOODED FIGURES OF KLANSMEN BOB UP IN NEW CONTROVERSIES

New York, N.Y.

A large crowd of people, many wearing white robes and hoods, gathered outdoors. The scene is dark, suggesting a night rally. The crowd is dense, filling the upper two-thirds of the frame. In the foreground, several individuals in white robes and hoods are visible, some holding what appear to be torches or flags. The overall atmosphere is one of a large-scale, organized gathering.

care for Negro welfare, are now subjects of Klan propaganda in the Southern States.

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IMPERIAL WIZARD



Associated Press

After reaching the peak of its numbers and power in the 1928 national election, when it broke the Democratic Solid South with its support of Herbert Hoover against Al Smith, it began to decline. The depression put the finishing touches on the fall of the "Invisible Empire," but recovery has seen an attempt to make it rise again.

It is still a secret organization, so that authentic information of its exact status is hard to get. But its strongest revival to date seems to be in Florida, where it is said to have some 30,000 members. Floggings, kidnappings and murder of labor organizers in Florida in the past two years, with the apparent connivance of police and sheriffs' deputies, have had the earmarks of the Klan type of persecution.

Recently there was a parade of masked and hooded Klansmen on the eve of a local election at St. Petersburg, apparently with the purpose of intimidating Negroes, to prevent them from voting.

Klan a decade ago to resume a dues-paying status and to recruit new sources of revenue.

There are also renewed stirrings of Ku Klux activity in Georgia and Alabama. The night before President Roosevelt visited this city a year ago to inspect Federal slum-clearance and housing projects, a band of Klansmen in their familiar regalia marched through the streets near the project intended for Negroes. Once in a while a fiery cross appears.

Klan organizers have been sent to other Southern States, and even to

But the Klan today is only a shell of the huge organization it was in its heyday. It has lost its handsome National Palace at Dead Man's Curve, on Peachtree Road, where it once sought to control the affairs of the country in secret conferences at its executive offices. The building is now occupied by the rectory of a Roman Catholic church.

Former Owner Jewish

For a time after the Klan sold it, the property was owned by a Jewish resident of Atlanta. The large printing plant near by from which the Klan's organ, The Searchlight, was issued, is now devoted to other purposes, except for one of its three stories.

Dr. Hiram W. Evans, former Atlanta dentist who is still Imperial Wizard of the Knights of the Ku Klux Klan, lives in an imposing residence in the most exclusive section of town, which suggests that he is personally in comfortable cir-

But the offices of the Klan in pressure" methods that characterize a downtown building are small, it in the Twenties. He makes and barely furnished. They are not clear that it is basing its appeal on the same old Klan oath and principles—chief of staff," together with apples—that the country should be secretary, and their quietude is in unison by "native-born white, gentile Protestant Americans," and that striking contrast with the bustling religion should be controlled by the action of Klan headquarters in the "good old days," when the money fundamentalists.

was rolling in from the dues of 5 000 000 members, according to Dr. Old Ideas in New Guise

Evans's figures, and from the sale of robes, hoods, masks and other regalia by companies controlled by certain Klan officials.

The Imperial Wizard declines to disclose the secrets of the Klan revival, except to admit that it is

The old ideas have simply been streamlined for sale under modern conditions. Instead of aliens, alien doctrines are now regarded as the popular subject of attack. Communism and the New Deal's labor legislation, its relief spending, its interest in tenant farmers, and its

care for Negro welfare, are now subjects of Klan propaganda in the Southern States.

"We are watching the C. I. O. carefully," Dr. Evans tells this reporter. "If it operates as a legitimate labor union, all right, but the South will not stand for the sit-down strike or for any other illegal strike methods."

Klan headquarters also indicates that the C. I. O. had better not try to organize Negroes on an equality with whites, as it does in the North — "or else."

The Klan has virtually no influence on events now, except in isolated districts and most well-informed persons here believe that it can never be brought back to anything like its old strength, but one cannot predict what will happen.

With an existing form (even a shell) of organization, and with its reputation as the kind of society which appeals to the kind of people who join that kind of society, the Klan has its lightning rod up ready to be struck by whatever bolt may come from the fascistic and communistic clouds which hang over democracy in America.

Could Klan Go Red?

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"It's red as hell, but it's an American red. None of this alien communism about it."

That sounds ridiculous, but is no Aldermen, Prosecutors, Sheriffs, more absurd than some of the and even judges had to be Klans—things that happened when the men or have Klan support to win Klan was burning crosses—the flog-elections. Men had to join the Klan of men and women, whites to get jobs in the police, fire and blacks, and the dictation of other public departments. Business political, economical and social con-men had to join up or lose their positions in Southern States and in trade to competitors who stuck TWK (Trade with Klansmen) cards United States Senators, Governors, in their windows. Newspaper editors, Mayors, county officials, State leg-tors and publishers of the highest city Councilmen and type were ruined or driven out of

KLAN, SHORN UP POWER,

SEEKING TO REGAIN IT

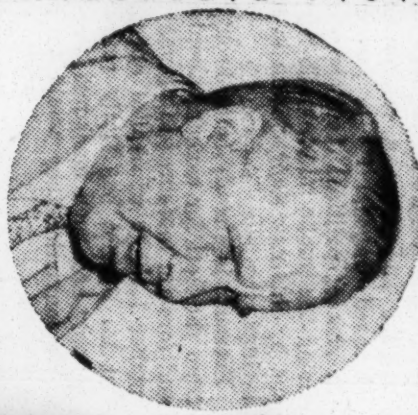
James 9-19-37

Controversy Over Justice Black Puts Spotlight on New Activities of 'The Invisible Empire'

By RUSSELL B. PORTER
ATLANTA, Ga., Sept. 17.—Most people up North probably thought the Ku Klux Klan was dead until the spotlight was thrown on it by the controversy over Senator Hugo L. Black's appointment to the Supreme Court of the United States. It was—almost but not quite.

After reaching the peak of its numbers and power in the 1928 national election, when it broke the Democratic Solid South with its support of Herbert Hoover against Al Smith, it began to decline. The depression put the finishing touches on the fall of the "Invisible Empire," but recovery has seen an attempt to make it rise again.

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Hiram W. Evans of Atlanta. Associated Press

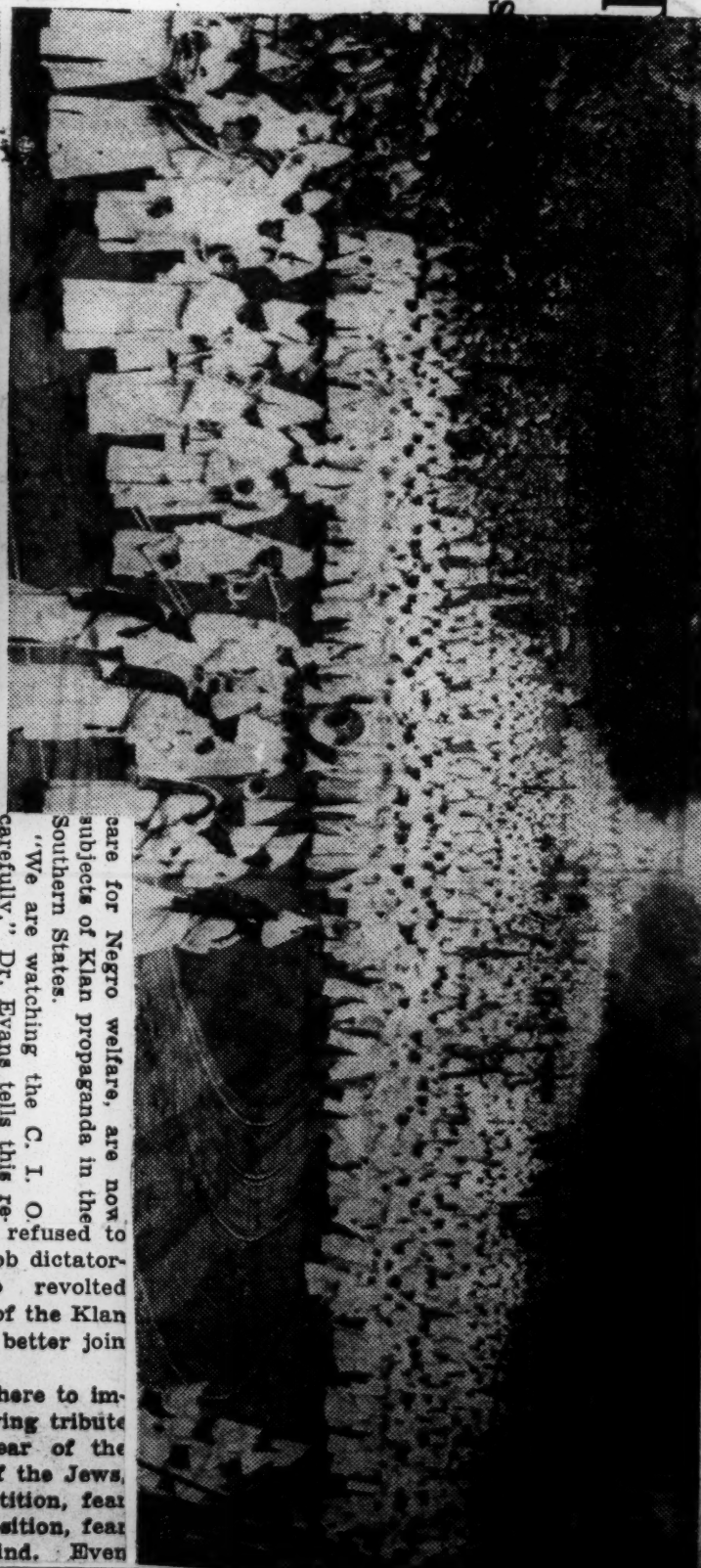
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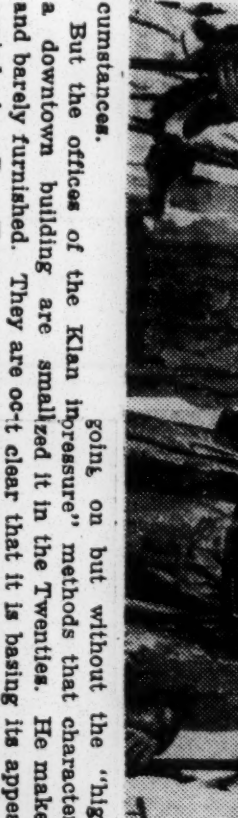
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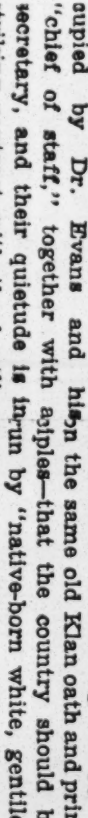
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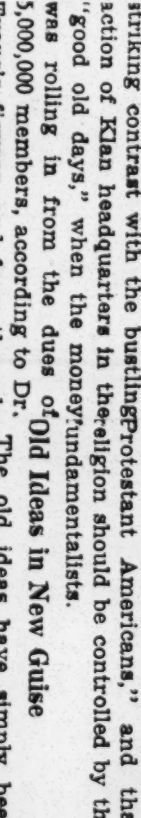
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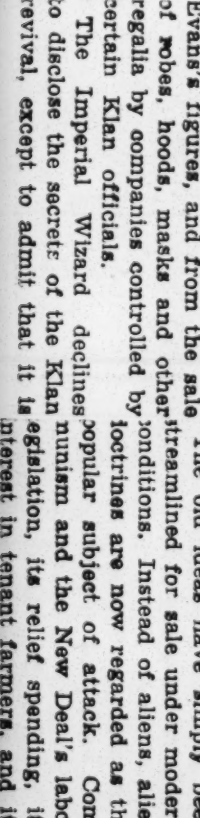
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That sounds ridiculous, but is no more absurd than some of the things that happened when the Klan was burning crosses—the flogging of men and women, whites and blacks, and the dictation of political, economical and social conditions in Southern States and in certain parts of other States.

United States Senators, Governors, Mayors, county officials, State legislators, city Councilmen and type were ruined or driven out of



Times Wide World, European and Duffy in The Baltimore Sun Photographs of the Klan at the height of its power, and a cartoon that followed the charge that Justice Black was a Ku Kluxer. At the top are members of the "invisible empire" marching in Washington ten years ago, and also shown are Klansmen in a ceremony. The title of the cartoon is "—and I, M'Lords, embody the law!"

long after the World War, Americans of German descent who re-sisted the sales talk of organizers encouraged non-Klansmen to raise their voices, and soon the ball was not join the "pro-German" cry would be raised against them.

Decline of Power

The power of the Klan fell almost as rapidly as it rose. Dr. Evans's explanation is that after Smith's defeat in 1928 the Klansmen "put their guns on their shoulders and went home—the battle was over." But that is not the general view.

Most persons who had special facilities for observing both its rise and fall agreed that the Klan's abuse of the great power it wielded led to its decline. There were too many floggings by Klansmen, and sometimes the wrong people were beaten. When the hooded groups began taking women out and lashing them, public reaction against the Klan increased.

The political success of the Klan also carried within itself the seeds of dissolution. More Klansmen expected jobs than there were jobs to

Special to THE NEW YORK TIMES.
ATLANTIC CITY, Sept. 29.—Supreme Court Justice Hugo Black's activities as chairman of the Black Committee in the Senate disqualify him for his new post as much as his reputed membership in the Ku Klux Klan, Messrs. Kendall, New York attorney and president-general of the National Society, Sons of the American Revolution, declared here today before the annual meeting of the New Jersey Daughters of the American Revolution.

"As an example of how easy it is to lose a guaranteed right," he said, "it is only necessary to recall to your minds the action of Senator, now Justice Black, who as chairman of the Black committee of the Senate violated the guaranteed right of the Fourth Amendment to the Constitution and part of the Bill of Rights against unreasonable search and seizure of papers."

"This was as perfect an example of intimidation and invasion of the rights of American citizens as has ever been made. When the issue was brought before the courts the procedure was denounced as an obvious violation of the civil rights protected by the Constitution. Mr. Black's part in the procedure, to my mind, is certainly as disqualifying for the Supreme Court as membership in the K. K. K."

Discussing the Constitution and George Washington, Mr. Kendeall said:

"The Constitution did not prevent him from taking a third term." No one since has ever shown sufficient strength to get a third term, and God forbid any one should. Knowing Washington's record and character, I am sure he would be on the side of the opponents to interference with the judiciary.

"I am sure he would have viewed with consternation John Lewis's ordering the taking possession of another's property without due process of law and thereby violating one of the most cherished of all guarantees of the Bill of Rights."

"Imagine Lewis calling upon Washington, as he called upon our President, to stand aside and not interfere in this violation of constitutional guarantee and daring to demand it because of an alleged bargain made at election time! How indignant Washington would have been to see the executive of a State made no effort to carry out this guaranteed property right."

"No, I don't think Washington would like Lewis."

Mrs. William A. Becker of Summit, N. J., national president of the Daughters of the American Revolution, said that "rugged character the society were 'stowaways' in the Attorney General's department. During disclosures of Justice Black's alleged connections with the Klan the name of Walter S. Mr. Brower, 'Klan giant,' appeared in the performance of duty, to be a facsimile of a purported stenographic record of a Klan meeting, our youths will follow the easy way and take by violence that which has not been earned," she said. "The problem of crime is above all one of lazy, irresponsible parents."

"Until we return to pioneering in the performance of duty, to be a facsimile of a purported stenographic record of a Klan meeting, our youths will follow the easy way and take by violence that which has not been earned," she said. "The problem of crime is above all one of lazy, irresponsible parents."

ASHURST SILENT ON BLACK

Explains 'Senate May Be Called to Exercise Judicial Power'

PRESCOTT, Ariz., Sept. 29 (P).—Senator Ashurst, chairman of the Judiciary Committee, in declining today to comment on Justice Black's alleged Ku Klux Klan affiliation, made the explanation that "the Senate may be called upon to exercise its judicial power."

"It would be improper for me to allow myself to be disqualified from performing my duties in such judicial function, and I could not properly form any opinion," he said in an interview.

"What is the judicial power of the Senate?" he was asked.

"The only judicial power the Senate has is the power of impeachment," he replied.

He would not comment further.

ANY LINK TO KLAN DENIED BY BROWER

'I Am Not a Member and Hate Religious Bigotry,' Cummings Assistant Declares

POINTS TO PUBLIC RECORD

Statement Replying to Talley

Leaves Open the Question of Membership in the Past

Walter Brower, special assistant to Attorney General Cummings

a close friend of Associate Justice Hugo L. Black of the Supreme Court, issued a statement through an associate yesterday categorically denying that he was a member of the Ku Klux Klan. He left open, however, the question of whether he had been a member of the secret order in the past in Birmingham, Ala., his home city.

The statement was issued in reply to a charge by former General Sessions Judge Alfred J. Talley, president of the Catholic Club, who said Brower:

"I have never in my life taken any oath which pledged me to a denial of justice to anybody." Since he came to New York in August, 1934, to take charge of the investigation aimed at frauds and abuses in the mortgage business, Mr. Brower has been active in labor circles. He is general counsel of the American Labor party, a member of the State Executive Committee, which is the party's ruling group, and chairman of the law committee.

Last March he was arbitrator in a strike of shirt and collar work-

Tompkins, a partner in the law firm of Brower, Brill & Tompkins, the statement repudiated any suggestion that Mr. Brower was intolerant in any way. He pointed out that both of Mr. Brower's partners were Jews and that every employee in their office was a Jew.

May Supplement It Today

Mr. Tompkins explained that he had taken down the statement of his associate as he dictated it on the telephone from his home in Bronxville Thursday night. Mr. Brower was not available for an interview yesterday. Mr. Tompkins said he had gone out of town for the week-end to finish a three weeks' vacation, but added he might be able to get in touch with Mr. Brower in time for a further statement today.

In any event Mr. Brower will be back at his desk in the United States Court House in Foley Square on Monday, Mr. Tompkins said.

Mr. Brower's statement follows:

"Yesterday's newspapers carried a statement made by former Judge Talley. I prefer to believe that Judge Talley did not speak of me out of malice, but rather that he spoke without knowledge of the facts."

"I am not a member of the Ku Klux Klan. I hate intolerance of any sort, and particularly despise religious bigotry. I have always believed that before the law all men are equal, and that justice should be administered without regard to race or religious persuasion."

"In my law office in Birmingham I had four stenographers, two Catholics and two Protestants. Among the lawyers employed by me was the son of the leading rabbi of Alabama. When I was designated by the Attorney General to conduct an investigation into the guaranteed mortgage companies in New York, I was authorized to select a staff and did so without thought as to their religious affiliations."

"Out of a staff of lawyers, stenographers and clerks totaling seventeen, I find now there are four Catholics, eleven Jews and two Protestants. In my private office here in New York, in addition to both my law partners being Jewish, every employee in the office is of the same faith."

Never Took Limiting Oath

The law partners are also aides to Mr. Brower in the mortgage inquiry. Mr. Tompkins supplemented the formal statement with the following, as coming also from Mr. Brower:

"I have never in my life taken any oath which pledged me to a denial of justice to anybody." Since he came to New York in August, 1934, to take charge of the investigation aimed at frauds and abuses in the mortgage business, Mr. Brower has been active in labor circles. He is general counsel of the American Labor party, a member of the State Executive Committee, which is the party's ruling group, and chairman of the law committee.

Last March he was arbitrator in a strike of shirt and collar work-

ers upstate and won a wage increase for them. In last Fall's court reorganization bill at a meeting with klansmen.

While reporters were seeking to get in touch with Mr. Brower in one of the delegates that organized the American Legion in Paris. Mr. Brower served as judge advocate of the Twenty-ninth Division, and after the armistice he was in the States Court House in Foley Square on Monday, Mr. Tompkins said.

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James
Boston Lawyer Adds His
Challenge to Levitt's,
Interrupts Session

10-5-37
NO PUBLIC OATH IS TAKEN

New York
Hughes Simply Announces New
Justice in Crowded Chamber
—A 21-Minute Sitting

Special to THE NEW YORK TIMES.
WASHINGTON, Oct. 4.—Hugo L. Black took his seat as an Associate Justice of the Supreme Court today, while two vigorous protests to his legal right to sit were laid before the other justices and himself. The new member broke with tradition in that he did not repeat the judicial oath of office.

His face inscrutable, the former Senator gazed out over the marble-columned chamber as Albert Levitt, former Assistant Attorney General, and Patrick Henry Kelly, Boston lawyer, submitted their motions to deny him a seat.

To the surprise of many, the court, instead of denying these applications, took them under review, presumably to pass on them next Monday.

The belief is almost universal that the petitions will be rejected without explanation, probably in the familiar language in which the Chief Justice lists a number of cases and adds:

"The above petitions are severally denied."

It was surmised that Chief Jus-

tice Hughes, a master of tact, had taken the petitions under advisement in order to avert further discussion of them in the chamber.

Court Chamber Is Crowded

There was likewise an assumption that Mr. Black may have refrained from reiterating the judicial oath, because a challenge might have been uttered at that moment, although not permissible under the strict court rules. Such an incident would, of course, have caused a sensation.

Mr. Black was under no compulsion to reswear the oath, which he took nearly seven weeks ago, at a twilight ceremony in the office of the Secretary of the Senate, with only two other persons present. Nevertheless, that he did not do so violated an almost universal custom, most Supreme Court justices having made this formal pledge publicly.

Inside the court chamber, packed to its utmost, 300 spectators occupying every available seat and standing against the walls watched with rapt attention as Mr. Kelly and Mr. Levitt pressed their motions.

Three times Mr. Kelly attempted to present his cause. Rising once, he announced it was a "question of personal privilege." At another time he broke in so determinedly that Chief Justice Hughes had to wave him to his seat, and a court officer touched his arm.

By contrast, the Levitt action was disposed of in a moment, the court quickly allowing him to file his objections.

As Mr. Kelly and Mr. Levitt presented their brief arguments in support of their moves in the battle against Mr. Black, the new Justice sat back in his big leather chair, his lips were set tightly together and his hands clasped over the rich black silk robe which he wore for the first time. He was at the end of the line of justices who ranged

to Mr. Hughes's left.

Only once did his features seem to relax. Almost as soon as he sat down, his eyes flashed across the chamber and rested upon his wife. Mrs. Black, in a black hat, coat trimmed with fox fur, and a pearl necklace at her throat, smiled affectionately at him, and his countenance lighted up in response.

Hughes Announces New Member

That Justice Black would not repeat the judicial oath was revealed immediately as the twenty-one-minute session began. At precisely two minutes after noon, the nine justices entered the chamber, announced by the deep tones of Thomas Ennals Waggaman, court crier.

Chief Justice Hughes said: "Mr. Hugo L. Black of Alabama, former member of the Senate of the United States, has been nominated by the President for the office of associate justice of this court, and his nomination has been confirmed by the Senate. He has presented his commission, which will be filed, together with his oath, which he has heretofore taken in the form prescribed by law."

That was all. Justice Black remained seated beside Justice Roberts at the end of the carved wood bench as the Chief Justice asked if there were applications to practice at the Supreme Court bar. There were, as usual, for scores of lawyers wished to be presented on a day of such moment, and as the 1937-38 term formally started.

But these proceedings had not gone very far when Mr. Kelly, a slender, middle-aged man in a gray suit and red necktie, suddenly approached the pleading bar. "Mr. Chief Justice," he said in a loud, clear tone, "I wish to introduce myself. My name is Patrick Henry Kelly of Boston."

Silenced by Chief Justice

The expressions of the justices did not change, but spectators glanced up quickly at this unexpected interruption.

"Are you here to present a candidate for admission to the bar?" the Chief Justice inquired in calm, unruffled tones.

"No, sir. I wish to ask the court

"You are out of order; we are here to receive admissions to the bar," broke in Mr. Hughes without irritation, and the attendant escorted Mr. Kelly away.

Admissions proceeded, Justice McReynolds, as usual, leaning back in his chair, his eyes to the ceiling. But as the last lawyer was sworn in to practice, Mr. Kelly leaped to

his feet, and announced "a question against Mr. Black."

There was much speculation to be made of his motion, but Chief Justice Hughes asked: "Is it in writing?"

It was not in writing because, as a matter of fact, Mr. Kelly's "motion" was, up to that time, merely a letter he had written to the justices and which as such had no standing in court.

"I put it in writing in a letter to each of the justices," he explained to Mr. Hughes.

"If it is in writing, it will be considered," the Chief Justice stated. "But this is an extraordinary situation," Mr. Kelly urged, and started to say something more, but with an upheld hand Mr. Hughes stated: "Please take your seat."

Levitt Presses His Motion

Immediately Mr. Levitt rose. A stocky man, attired in a blue suit and wearing horn-rimmed spectacles, the former Assistant Attorney General identified himself as a member of the court's bar of long standing. He announced that he wished to file a motion to have the court show cause why Mr. Black should be permitted to serve as associate justice.

His grounds, which he did not then state, are that the new justice, while a Senator, increased the emoluments of a Supreme Court justice and also that there is no vacancy on the bench.

Being assured that the Levitt petition was "in writing," Mr. Hughes instructed the attorney to submit it to the Clerk of the Court, Charles Elmore Cropley.

This done, Mr. Kelley again appeared.

"I have the motion in writing now, Your Honor," he announced, exhibiting a piece of white paper. "Very well, you may submit it to the clerk; it will be considered by the Court," Mr. Hughes responded.

"At this session?" asked Mr. Kelley.

"At this session," replied the Chief Justice.

The Kelly petition virtually duplicates the Levitt program, but then goes further and questions the legality of the Sumners-McCarran act under which Justice Van Devanter retired and made way for the appointment of Justice Black.

This procedure and disposal of a few other motions ended the court's brief day, Chief Justice Hughes then announcing a recess until next Monday, during which time the justices will discuss in conference the nearly 475 petitions now facing them as an important term begins.

In these conferences, to be held tomorrow, Thursday and Saturday, Mr. Black will meet with his colleagues for the first time for discussion of cases. They will pass not only on the requests affecting the many other law cases, but also upon the two demands to move

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The conference ended, the court will meet on Monday to announce its rulings, after which it is expected that the justices will pay their regular courtesy call on President Roosevelt, prevented today through his absence in the Far West.

If that engagement is made, Mr. Black may face for the first time since the allegations as to the Ku Klux Klan, and his subsequent admission of membership, the President who said he did not know of this allegiance at the time of Mr. Black's appointment.

With their curiosity whetted by the controversy over Justice Black, prospective spectators had arrived at the court building in great numbers today, and many could not be admitted.

John Taylor, a Kansas City manufacturer, was on the scene at 6:50 A. M. Police would not let him enter the building and he had to stand under the marble portico for hours.

An hour and forty minutes after his arrival a woman appeared. From then on the spectators arrived singly or in groups until, near noon, long lines extended 500 feet in the corridors.

Even after the short session closed some persons pressed their faces to the bronze grills, peering through.

Handbills Not Distributed

Court officials had the situation completely in hand, due to arrangements by Frank Key Green, the marshal, and Captain Philip H. Crook, chief of the court guard. Handbills calling Oct. 4 "Black Day," to be mourned by the American people, were not distributed at the scene, despite advance notice that they would. The bills were passed out in other portions of the city, however, it was said.

Justice Black came to the court at 9 A. M., entering through the rear of the building and going to the suite formerly used by Justice Van Devanter. He was visited by the friends and relatives, these including, it was said, Mr. and Mrs. Clifford J. Durr, with whom he has been staying in Alexandria, Va., and Mrs. Sterling Foster, Thomas M. Woodward, a member of the Maritime Commission, and Mr. and Mrs. Charles E. Hamilton Jr., from whose home the justice made his radio speech.

Justice Black was much secluded during the day. He took luncheon

She was tried on a charge of theft and Mr. Spelke obtained her acquittal. Publication of the papers was said to have resulted in the death of the Klan movement in the Nutmeg State. Also presented for admission to Justice Black's first day on the bench was a Negro lawyer, J. Flipper Derricotte, who was sponsored by James A. Cobb, Negro former justice in the District of Columbia, who was said to have disappeared.

BLACK TAKES BENCH SEAT AS SUPREME COURT HEARS

2 PROTESTS ON LEGALITY DECISIONS PUT OFF

Boston Lawyer Adds His Challenge to Levitt's Interrupts Session

10-5-37

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to Mr. Hughes's left. Only once did his features seem to relax. Almost as soon as he sat down, his eyes flashed across the chamber and rested upon his wife. It was not in writing because, as Mr. Black, in a black hat, coat matter of fact, Mr. Kelly's "motion" was, up to that time, merely such matters, it is presumed that trimmed with fox fur, and a pearl necklace at her throat, smiled at him, and his countenance lighted up in response.

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she was tried on a charge of theft and Mr. Spelke obtained her acquittal. Publication of the papers was said to have resulted in the death of the Klan movement in the Nutmeg State. Also presented for admission to practice on Justice Black's first day on the bench was a Negro lawyer, J. Flipper Derricotte, who was sponsored by James A. Cobb, Negro former justice in the District of Columbia.

Among others present were Attorney General Cummings, Solicitor General Reed, Senator Minton, who coincidentally, some Klan papers were said to have disappeared.

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JUSTICE BLACK LAYS HIS CASE BEFORE NATION

The jurist before a microphone yesterday in a test previous to his broadcast last night.

Justice Black's Speech

Special to THE NEW YORK TIMES.

WASHINGTON, Oct. 1.—The text of the radio address delivered tonight by Associate Justice Black was as follows:

Ladies and gentlemen:
The Constitution is the supreme law of our country. The Bill of Rights is the heart of the Constitution.

The constitutional safeguard to complete liberty of religious belief is a declaration of the greatest importance to the future of America as a nation of free people. Any movement or action by any group that threatens to bring about a result inconsistent with this unrestricted individual right is a menace to freedom.

Let me repeat:
Any program, even if directed by good intention, which tends to breed or revive religious discord or antagonism can and may spread with such rapidity as to imperil this vital constitutional protection of one of the most sacred of human rights. I believe that no ordinary man-

oeuvre executed for political advantage would justify a member of the Supreme Court in publicly discussing it. If, however, that manoeuvre threatens the existing peace and harmony between religious or racial groups in our country, the occasion is not an ordinary one. It is extraordinary.

During my recent absence on a short vacation abroad, a planned and concerted campaign was begun which fans the flames of prejudice and is calculated to create racial and religious hatred. If continued, the inevitable result will be the rejection of religious beliefs into a position of prime importance in political campaigns and to infect our social and business life with the poison of religious bigotry. It will bring the political religionist back into undeserved and perilous influence in af-

fairs of government. It will elevate the least worthy to political positions because religion or race bars others from a passport. It will resurrect practices and arguments from which this country suffered sorely in the Nineteen Twenties. It will revive the spirit which, in 1928, caused a national campaign to be waged largely upon issues unworthy of a free people.

It will bankrupt many business men whose sole offense is that they have religious beliefs which do not accord with the prevailing religion in their communities. It will punish the professional man whose patients and clients boycott him not because of lack of professional ability but because there are in his locality few members of his faith or his race. It will again set neighbor against neighbor and turn old friends into new enemies.

To contribute my part in averting such a catastrophe in this land dedicated to tolerance and freedom, I break with precedents of the past to talk with you tonight.

Denies He Is Intolerant

An effort is being made to convince the people of America that I am intolerant, and that I am prejudiced against people of the Jewish and Catholic faiths, and against members of the Negro race. These insinuations are advanced despite the fact that, for the last eleven years, I have served in the Senate of the United States under constant and microscopic public scrutiny. My words and acts are a matter of public record. I believe that my record as a Senator refutes every implication of racial or religious intolerance. It shows that I was of that group of liberal Senators who have consistently fought for the civil, economic and religious rights of all Americans, without regard to race or creed.

The insinuations of racial and religious intolerance made concerning me are based on the fact that I joined the Ku Klux Klan about fifteen years ago. I did join the Klan. I later resigned. I never rejoined. What appeared then, or what appears now, on the records of the or-

ganization, I do not know. I never have considered and I do not now consider the unsolicited card given to me shortly after my nomination to the Senate as a membership of any kind. I never used it. I did not even keep it. Says He "Dropped" the Klan Before becoming a Senator I dropped the Klan. I have had nothing whatever to do with it since that time. I abandoned it completely discontinued any association with the organization. I have never resumed it and never expect to do so. At no meeting of any organization, social, political or fraternal, have I ever indicated the slightest departure from my steadfast faith in the unfettered right of every American to follow his religion. I have no sympathy with any organization or group which, anywhere or at any time, arrogates to itself the un-American power to interfere in the slightest degree with complete religious freedom.

No words have ever been or will ever be spoken by me, directly or indirectly, indicating that any native or foreign-born person in our free country should or could be restricted in his right to worship according to the dictates of his conscience. I have supported candidates for public office without regard to their faith. In my endorsement of applicants for governmental positions I have acted without discrimination of any kind or character.

His Final Statement, He Says

I number among my friends many members of the colored race. I have watched the progress of its members with sympathy and admiration. Certainly they are entitled to the full measure of protection accorded to the citizenship of our country by our Constitution and our laws. Some of my best and most intimate friends are Catholics and Jews. Shortly after I moved to Birmingham, more than a quarter of a century ago, I formed one of the most valued friendships of my life with a son of Jewish faith. He was one of my closest associates and strongest political supporters. Months of our lives were spent together, much of the time in

his home. He stood so nearly in the place of a father to me that while in the army in 1918 I designated this trusted Jewish friend as sole executor of my will. In my campaigns for public office his counsel and assistance were always mine. His widow, who was a guest in my home at the recent inauguration of President Roosevelt, was one of the first to congratulate me upon my nomination to be a Justice of the Supreme Court. When this statement is ended my discussion of the question is closed.

I believe the character and conduct of every public servant, great and small, should be subject to the constant scrutiny of the people. This must be true if a democracy serves its purpose.

It is in this spirit that I now bid those who have been listening to me good night.

THE CHARGES MADE AGAINST JUSTICE BLACK

by the *Post-Gazette* of Pittsburgh are serious. They are, in brief, that Justice Black joined the Ku Klux Klan in 1923, that he resigned in 1925 just before a campaign for the Democratic nomination for United States Senator in order to be able to deny that he was a member, but that this resignation was never acted upon formally and that after a successful campaign he accepted a life-membership card. These charges directly controvert the impression given out by Black's supporters, and hence presumably by Black himself, at the time of his appointment to the court that he had accepted Ku Klux Klan support—along with labor backing—but had never actually been a member of an organization whose primary principle is "white supremacy." Membership in the Klan, under any circumstances and for any reason, is not to be lightly dismissed when a Supreme Court justiceship or any other public office is involved. At the same time Justice Black's record for the past ten years in Congress has been so consistently liberal and even radical that *The Nation* wholeheartedly supported his nomination in spite of the rumors of an earlier political flirtation with the Klan. We shall continue to defend Justice Black on the basis of his record unless it can be proved beyond doubt that he has consciously maintained his connection, if it ever existed, with the Klan. We shall do so all the more vigorously because the present attack comes from the same general source from which has come the hysterical and reactionary opposition to the President's court plan and to every other attempt to curb the industrial and financial oligarchy. But in justice to his friends Justice Black himself must now explain fully his alleged connection with the Klan.

Report Black Phoned President On Drive From Ship to Capital

Associates Say He made the Call After Luncheon at Richmond—
In Alexandria Home of His Sister-in-Law He Works on Talk
to Nation Which He May Make This Week-End

Special to THE NEW YORK TIMES.

WASHINGTON, Sept. 29.—Justice Black reached the home of his brother-in-law, C. J. Durr, soon after 6 o'clock tonight and there in quiet Alexandria began immediately to draft a speech he proposes to deliver to the nation, probably Saturday or Sunday, to "explain" his alleged connection with the Ku Klux Klan.

It was stated by close associates that Mr. Black telephoned to Mr. Roosevelt today at Seattle, while he and his party made a two-hour stop in Richmond for luncheon on their motor trip from Norfolk to Alexandria.

Whether that was a fact or not, Mr. Black said nothing about it tonight.

"When are you going to your office," he was asked as the party left their automobile in front of the big white house in which the Durrs live in the suburbs of Alexandria.

"When I get ready," the justice laughed.

He gazed at the lighted windows, which gave off reflections from a woodfire inside.

Before this cheerful fire tonight, surrounded by Mrs. Black, her sister, Mrs. Durr, and Mr. Durr, who is assistant general counsel for the Reconstruction Finance Corporation, the new justice talked and laughed; he made notes upon occasion, and after the others had retired he devoted his whole attention to the task before him.

The justice declined to state whether he would sit with the other justices when the Supreme Court begins its Fall session on Monday. But from the guarded statements of others who talked with him during the day it appeared that he was determined to do so.

Mrs. Black and her sister said that after luncheon in Richmond today they walked about the streets without being recognized by a single person. It was during this

interim that Justice Black is reported to have conversed by telephone with President Roosevelt. Attorney General Cummings said today that he had no plans to talk to the new justice.

"I have no duty to perform in the premises," he remarked.

When asked if he would attend the opening of the Supreme Court Monday, when Mr. Black is expected to take again the judicial oath, he smilingly replied:

"Why I don't know. I haven't thought about it. But it might be a good idea."

He said he had not yet talked to William E. Fort, Justice Black's former law partner and Special Assistant to the Attorney General, who, it has been said, was a member of the Klan in Birmingham at the same time Mr. Black was alleged to have been a member.

The Attorney General said that he would have a conversation with Mr. Fort "in due time" but he refused to agree that the arrival of Justice Black might speed the time for this conference.

Washington Home Rented

By The Associated Press.

WASHINGTON, Sept. 29.—Mrs. Durr, sister of Mrs. Black, said today that the Blacks, who have rented out their Washington home, would live at her home for several weeks. She said Mrs. Black was exhausted from her travels and needed several days of rest.

Surrounded by large shade trees, the two-storied white frame house faces a little-traveled road in Fairfax County, not far from Alexandria.

Mrs. Durr described the neighborhood as one of the most historic in Northern Virginia, but said it was so little known by Washingtonians that President Roosevelt became separated from his Secret Service bodyguard when he visited friends near by.

The National Broadcasting Company revealed here that it had offered its facilities to the jurist and that they had not been declined.

"Thanks for offer. Will inform you if I desire to avail myself of

it," he radioed from the ship as it approached Norfolk last night.

Spectators Swear They Saw Klan Give a Life Membership to Black

Affidavits Describe Birmingham Klorero Ceremony of Gold
Passport—Imperial Legal Adviser Urged Smith's
Defeat—Denounced Catholic Hierarchy

The Pittsburgh Post-Gazette publishes today the last of a series of six articles in which it is charged that Hugo L. Black of Alabama, recently appointed to the Supreme Court of the United States, was still is a member of the Ku Klux Klan. The articles were written by Ray Sprigle, a reporter for The Post-Gazette, and are copyrighted by The Post-Gazette and the North American Newspaper Alliance.

The final article cites affidavits purporting to have been made by former Klan members who swore that they had seen Mr. Black receive a life membership card, or "gold passport," of the Klan at the fourth annual Klorero, or State convention, of the Klan in Birmingham, Ala., on Sept. 2, 1926, after his nomination for United States Senator as a Klan-supported candidate in the Democratic primaries.

Black and Graves Speeches Cited
W. S. Strickland of Woodlawn, a Birmingham suburb, is quoted in his affidavit as follows:

"In 1926 I was a member of the Ku Klux Klan in Birmingham, Jefferson County, Alabama. At that time Bibb Graves was a candidate for Governor and Hugo L. Black for United States Senator in the Democratic primary of that year. They were nominated in the August primaries. 'Some time after the primaries as I recollect it was September of that year, there was a meeting of the Ku Klux Klan in Birmingham. I attended that meeting and while there I heard and saw James Esdale, who was Grand Dragon of the State of Alabama, present to Governor Bibb Graves and Senator Hugo L. Black a gold life membership card in the Ku Klux Klan. Governor Bibb Graves and Senator Hugo L. Black accepted the card and the membership and, in speeches to the Klan members present, thanked the Klan and thanked Grand Dragon James Esdale for the honor of life membership and thanked them for their support of their candidacy for Governor and United States Senator."

Tribute to Black as "Wizard"
The article quotes, from what purports to be the official stenographic record of the 1926 meeting, a speech by William E. Zumbunn of Washington, D. C., Imperial Legal Adviser of the Invisible Empire of the Knights of the Ku Klux Klan, as follows:

"To come down here now and find that you have given us a man named Black who wears 'white'—do you get that boys—to occupy a seat in the Senate of the United States is like getting an inspiration just before baptism."

"And I want to say to you that you have a Wizard that bows the knee to no man and he does not kiss the helmet of anybody. I want to say to you that so long as he is Wizard—and I have no authority to speak for him, but I hazard the prediction—he will never kiss the signet of any man's ring."

Prowess of Graves as Cyclops
Turning to Colonel Bibb Graves, who had just won the Democratic nomination for Governor as an acknowledged Klansman, the speaker, according to the article, continued:

"I am so glad that you have a man all but elected Governor who comes from a town that, prior to his advent as Exalted Cyclops of the local Klan, I am told was owned by the Jews, controlled by the Catholics and loved by the Negroes. (Laughter and applause.)

Klansman Withholds Name
The Rev. W. C. Vest, Baptist clergyman, who was for many years

"Now he tells me that the Jews have a foreclosure sale at bankruptcy, selling out; the Catholics are on the run and the Negroes are in hiding. (Applause.)

"And I pay tribute to you sir, and through you to these Klansmen who made that condition possible because today America has been challenged and the man known as Al Smith who seeks the Presidency of the United States lowered the dignity of that high office by bowing the knee to a foreign potentate and kissing the ring upon his finger. Men, it is those conditions which the Klan is called upon to correct.

"Men, there never was a time in the history of our country when the need for men and the need for action was so pronounced as it is today. America, the home of the free and the brave, has been invaded by large hordes of foreigners that have neither the inclination nor the training to love our institutions and our flag.

Warning of Catholic Invasion

"I remember when quite a boy we had a scare in America about the time the Catholics as an institution—and I am attacking none of them personally for I have only sympathy in my heart for the Catholic, man or woman—but when a boy we had the scare in America that the Catholics were about to organize an armed invasion.

"And many of you men remember that in many of the churches and in many of the hospitals of that faith, coffins were sent in loaded with munitions of war and it almost led to a scandal.

"The Catholic hierarchy has been driven from every country on the face of the earth save Mexico and America as a political machine. Now catch my distinction.

"These countries that found it necessary to break the control of the body politic that the Catholic hierarchy had, have broken that control except in Mexico, and when recently the Pope had, or caused to visit the shores of America his representative at the Eucharistic Congress, it was done as a part of his political plan to plant the seed of his faith in America that it might ultimately be the home of the Catholic Church and at the same time challenge the supremacy of the Klan. Are you going to permit it?"

Cries of "No! No!" came from the audience in answer to this question, according to the article, which quotes the speaker's conclusion as follows:

"Well, if you are not going to permit it, gentlemen, in 1928 give us—be sure to give us—a delegation that will send back to the confines of Hades any man that lowers the dignity of the United States to kiss the ring of any foreigner."

The Case of Mr. Justice Black

New Republic
THE CHARGE against Mr. Justice Black, that he was once a member of the Ku Klux Klan, made a fictitious resignation and rejoined the hooded order as a life member, is an extremely serious setback to the Roosevelt administration. It comes at a moment when the conservatives have won a signal victory in regard to the Supreme Court plan and Mr. Roosevelt is more on the defensive than at any time during his four and a half years in office. The President, it is now clear, intends to continue the fight for reorganization of the Supreme Court, and the Black affair provides his enemies with an easy and effective bit of ammunition. It is, to be sure, an illogical and meaningless one, but that does not lessen its value in politics.

It is important, but not decisive, to note that the hue and cry against Mr. Justice Black comes almost entirely from sources hostile to the administration and eager for every possible excuse to attack the President or any of his allies. The newspaper in which the series of articles first appeared is owned by Mr. Paul Block, who is known as a completely unreconstructed Tory whose idea of Paradise would be a return to the Coolidge days. The Block papers, and most of the others engaged in the fight, have a record of opposition to Mr. Black, both as Senator and as Supreme Court choice. It is easy to imagine how casually they would have received similar charges against a nominee to whom they were friendly, named by a President who was a member of their own crowd. It also seems perfectly clear that Drew Pearson and Robert Allen are correct in charging that the present rulers of the Ku Klux Klan deliberately dug out the documents about Mr. Justice Black and gave them to the press. Records of this sort are not left in places where anyone can walk in and take them. The Klan today undoubtedly hates Mr. Justice Black for the record he made in the United States Senate, and that hatred ought to make every good American think better of its object.

In theory, of course, judgment should be suspended on the question whether the charges are true, until Mr. Justice Black has replied to them. In fact, however, there can now be very few people who do not believe that he joined the Ku Klux Klan in 1923. The documents made public do not look like forgeries. At the time of his first election to the Senate, it was widely stated in the press that he had had Klan support and had succeeded only because of it. Finally, his own actions since the issue was raised ten days ago strongly suggest that the story is true.

Both the Justice and the President have cut a

sorry figure in this affair. The former should certainly have told Mr. Roosevelt about his Klan connection, at least in that final conference before the news was announced. As for the President, he should have had an investigation made that would have revealed the record of his proposed nominee. It is quite customary for such investigations to be made by secret operatives of the Department of Justice, and we understand that this was actually done, in the case of some other men whom the President had under consideration. It is not true, as some hostile critics have maintained, that Mr. Roosevelt acted in great haste. We hear that at least twenty-two possible nominees were on the list. Twenty-one of them were eliminated for "just cause." The President's sin was not haste, but acting alone. The number of those who knew what was afoot was so small that it contained no one who remembered the stories of KKK affiliation. If it had been even a little larger, someone would certainly have done so.

New Republic
What can be said in extenuation of Mr. Justice Black? First of all, we might remember that in Alabama, in 1923, joining the Klan was much like what joining Rotary or Kiwanis or the Lions is in some small midwestern town. If you didn't, you were just nobody, and this was especially true for the politicians. There were thousands of respectable middle-class people who took the Klan oath without realizing the full significance of the hooded order or the hateful character of its doctrines of bigotry, intolerance and cruelty. It is a well known fact that large numbers of such members not only did not participate in the night-riding activities of the Klan, but learned of their existence from the same sources as non-members.

New York
The matter of the life membership would be important only if it could be shown that Mr. Justice Black had been, and still is, actuated by his belief in Klan doctrines. There is no evidence that this is true. Indeed, his record in the Senate shows no signs whatever of Klan leanings. While he opposed the federal anti-lynching bill, this was opposed as well by other Southerners not suspected of Klan affiliations. Senator Borah is witness that in the hearings on the wages-and-hours bill, Mr. Black fought consistently to safeguard the Negro's position. Throughout the Roosevelt administration, he was a tower of strength for progressivism in the Senate. He conducted with great skill three important investigations, those dealing with the merchant marine, the airmail and lobbying. He performed an invaluable service in getting the holding-company bill passed, and fought equally well for the wages-and-hours measure. As everyone knows, his voting rec-

ord since March, 1933, has been almost 100-percent perfect from the standpoint of liberalism.

Under these circumstances, the desirable course of conduct for Mr. Justice Black seems to us fairly clear. Let him come forward and tell the whole story of his relationship with the Klan. He has done great harm to himself, to the President and to the Court by his silence thus far and by his undignified scuttling from one hotel to another with the press at his heels. Let him supplement his statement by a candid appraisal of what the Klan affiliation and the Klan doctrines mean in his own life today—a question which, obviously, no one but himself can answer. If he is able to tell the American people that he is not a Klansman in any sense of the term, then let him remain on the Bench and continue the fight against special privilege and on behalf of the rights and interests of the common man in which he has played so fine a part in his years in the Senate.

Klansman Black Became Black the Inquisitor

Christian Century
CONSIDERING for how short a time public attention can be kept focused on one object and how quickly popular indignation burns itself out when it has no new material to feed on, it is probably a wise policy for the President to postpone comment on Senator Black's Klan affiliations (if any) until the senator returns from abroad, and for Black to take his time about returning and meanwhile to hold himself incommunicado. With a sense of duty to do a little something to keep the issue alive, we revert to the text of the speech delivered by Klansman Black when, as a senator-elect, he received the equivalent of the 33rd degree in Klansmanship. It is not the Klanishness of that speech that is its most notable characteristic. To be sure, he does refer to the Klansmen in the Klavern as "the representatives of the real Anglo-Saxon sentiment that must and will control the destinies of the stars and stripes." But pass that. The general imbecility of the address, its verbal ineptitude, its platitudes and twaddle—these are the qualities that leave the reader gasping with incredulity that any man forty years of age, not to say a senator-elect and a supreme-court-justice-to-be, could utter the banal phrases the record imputes to him. Perhaps he didn't say them. There must be some horrible mistake. Oh, Mr. Black, say you didn't say them! In its issue of Aug. 23, long before these Klan revelations, the magazine *Time* (already quoted in Washington wits as saying "Hugo won't have to buy a robe; he can dye his white one black") said: "Once in the Senate, something happened to Hugo Black," and went on to tell how the influence of Norris and Walsh came upon him and made him "prime inquisitor of the Senate." He must have changed. Can he have changed enough? While

awaiting his return and explanation, we must still remember that most of those who have raised the furor do not fear Black the Klansman so much as they hate Black the prime inquisitor.

The New Furor About Black

The recent sensational attack upon Hugo Lafayette Black on the strength of his Ku Klux Klan affiliations, has three primary motives:

1. The anti-Roosevelt wing of Tammany Hall in New York needs an "issue," since a candidate for Mayor is to be nominated Thursday. Copeland is seeking to curry favor wherever favor can be curried, and so he is endeavoring to capitalize his vote against the confirmation of Black as associate justice, by attacking Black as a Klansman.

2. All who hate Roosevelt and his major objectives are eager to smear him. If they can show that following the long, bitter controversy over the question of revamping the United States Supreme Court, he selected a Klansman as his choice of all the liberal lawyers of the land to expand the outlook of the Supreme Court, they reason that they can discredit the President before the American people, even as the Ku Klux Klan long since was discredited everywhere—except, of course, in Germany. Since the President is anti-Klan, his haters reason that they now have an opportunity to make him particularly uncomfortable.

3. But the newspaper revelations are different. There is some dignity, and no lack of sincerity in their assaults upon the Alabamian. The Pittsburgh Post-Gazette, the North American Newspaper Alliance and The New York Times, are not factional organs. They believe it to be legitimate, proper and right that the life-history of a member of the United States Supreme Court should be examined and printed. They believe that this is a proper public service for newspapers to render.

It so happens that the revelations possible to ignore the recent examination of the newspapers come at a time when Tammany politicians in New York are greatly in need of an issue, and it happens that all that they reveal is fodder for the elephant, as well as sauce and solace to all others who hate Roosevelt and all that he stands for.

Two United States Senators who voted to confirm Mr. Black as a justice of the Supreme Court, are quoted as saying that if the had known Black's klan affiliations they would not have voted to seat him. These Senators are Robert F. Wagner, of New York, and Senator Clyde L. Herring, of Iowa, both Democrats, as Democrats go these days.

Senator David Walsh, of Massachusetts, demands that the President appoint a disinterested committee to re-investigate Black's record, and suggests that Black should resign his commission rather than embarrass a President who did not know he had been a Klansman at the time that Roosevelt appointed the Alabamian.

Other Senators, who never liked Black and Roosevelt, and so consistently opposed Black's confirmation, are roaring anathemas upon Black and the President. They believe that they now have both in a hole.

The North American Newspaper Alliance reproduces facsimile copies of speeches made in the Robert E. Lee klavern of Birmingham September 2, 1926, soon after the nomination of Hugo Black to his first term in the Senate. Also it reproduces the fantastic oath which all good klansmen are supposed to have taken, asserting that Black "intoned" this funny oath. The NANA also reproduces what purports to be certain speeches made on that occasion, among them one by Mr. Black.

And because of all this, and in view of Mr. Black's present position, it is not

in Alabama.

The Advertiser did not support Hugo Black in either of his two races for the Senate. But The Advertiser nevertheless is not much impressed by recent "revelations", for it has been told little that it had not known or suspected all along.

What The Advertiser now wishes to say is this: Search Hugo Black's record as a public official, particularly as a United States Senator for two terms, and find if you will, one act or word that properly stigmatizes him as a man of racial or religious prejudice!

Black, like scores of other Alabama politicians, realized in the first half of the twenties that a heavy rain was falling. Instead of buying a poncho, which soldiers wear in wet weather, he bought a hood and a knight-shirt—according to reports. He joined the Klan, not because he was philosophically sympathetic with its idiotic prejudices, but because he wanted peace and votes. Many American politicians did the same, as everyone knows.

Black was a Senator for 11 years. As a Senator he never betrayed any of the prejudices commonly attributed to Klansmen. Instead he made his reputation as an economic and social radical after the manner of the LaFollettes and George W. Norris. In the end he came to be recognized as a social and economic radical—that is to say, the antithesis of the Fascist Klansmen of a decade ago.

Black is no bigot. He has never been a bigot. He may have sought shelter in a klavern—we believe that he did, we have never doubted that he did—but as an official he deported himself in every way independently of the prejudiced crowd that in 1926 made him a Senator by a minority of the votes of Alabamians.

The Advertiser does not believe that

Black's Klan oath will ever color any preme Court as the recent blasts rep-decision he makes as a justice of the present, but The Advertiser's confidence Supreme Court. It does not believe in the philosophical integrity of Mr. that his outlook as a judge of law and Black remains unshaken. It believes truth will be colored in the least by that the storm will soon blow over. recollections of his early affiliations with a group that today despises his tested economic and social views. The Advertiser is sorry that such a savage hurricane has struck the Su-

F. D. R.'s Delay Creates Speculations Over Black

Is He Hoping Issue Will Cool By Time Justice Returns?

COMMENT TERSE

President Points Out That He Desires No Hasty Action

By Joe Alex Morris
United Press Staff Correspondent
WASHINGTON, Sept. 15.—President Roosevelt's postponement of a showdown in the controversy growing out of allegations that Supreme Court Justice Hugo L. Black is a life member of the Ku Klux Klan was interpreted two ways today.

Some congressional groups thought that the chief executive in announcing that he would make no statement on the alleged Klan affiliation of his appointee until Black returns from a vacation in Europe, believed the memory of the charge itself and of the counter charges growing from it, would fade into nothing within a comparatively short time.

Other groups read into the President's statement a promise that the charges would be threshed out when Black returns. Mr. Roosevelt warned reporters in his press conference yesterday that such a promise was not necessarily intended in his brief declaration.

The President said he had not heard of the reported Klan connection at the time he was considering Black for the appointment. He said he did not know whether the Department of Justice had inquired into such a possibility in its regular investigation of the candidate's fitness.

It was pointed out the President preferred to avoid hasty action, likely to be the chief weapon in his drive, rather than trying to get his side of the case from him while he is far removed from the scene. By the term of the court, developments may have changed the situation and made its solution simpler from the Administration's viewpoint.

Several congressional opponents of Mr. Roosevelt's defeated Supreme Court enlargement program indicated that they would fight vigorously any effort to let the

question of Black's relationship with the Klan die out before the facts are definitely determined.

Quotes Black
Meanwhile, The Pittsburgh Post-Gazette published the third of a series of stories copyrighted by the North American Newspaper Alliance, Inc., which purports to reveal Black's relationships to the Klan. The author of the articles, Ray Sprigle, quoted from what he said was a stenographic record of the fourth annual Klorero of the Alabama Klan on Sept. 2, 1926, at which Black and Bibb Graves, now Alabama's governor, were allged to have received "gold passports" life memberships in the Klan.

Sprigle's quotations from the record were said to have been Black's speech accepting the passport and crediting the Klan's support as the determining factor in his campaign for the Democratic nomination for United States senator.

Even though the charges were established as true there would be nothing to interfere with Black's service on the Supreme Court bench except his resignation or action by the President on suggestions of Sen. David I. Walsh (D., Mass.), that he exert his personal influence to obtain Black's resignation.

The possible political repercussions appeared to depend upon developments when Black returns to the United States. The charges came at a delicate time for the Administration, and there were indications that they would influence the President's strategy for the immediate future. His actions are expected to disclose the grounds on which he will fight in the next session of Congress in 1938.

Denials Unsubstantiated
Mr. Roosevelt's big problem in the coming months will be to recapture control of Congress that smashed his judicial program in the last session. His personal popularity, expected to be tested on his tentatively planned trip to the West Coast, appeared to be the chief weapon in his drive.

Persistent reports that, prior to his nomination to the court, Black had told several senators that he was not a member of the Klan were circulated, but lacked confirmation. Three senators mentioned specifically as having heard Black make the statement, denied the report when questioned.

Senator Walsh said Justice Black should declare publicly whether he is a member of the Klan to relieve the President of embarrassment.

The Pittsburgh Post-Gazette's third article declared that Klansmen attending the Birmingham, Ala. Klorero included Imperial Wizard Hiram Wesley Evans, who denied Monday that Black was a member of the organization. The article said "great applause" followed Black's acceptance of life membership, and it quoted what it said was the text of his speech. The purported text follows, in part: (The excerpts being from the fourth annual Klorero of the Alabama Klan on Sept. 2, 1926, at which Black and Bibb Graves, now Alabama's governor, were allged to have received "gold passports" life memberships in the Klan.)

"I know that I cannot truly represent you (the 'you' seemed to mean all the people, and not Klansmen alone.—Ed.) unless you back me, not only with your good wishes, but if something comes up that you want to know where I stand, or if a question arises when I take a position contrary to your viewpoint, I want to know it. There will be, and there is now, but one way, and if my heart remains true to the God of my father and Black's mother, there will never be another, to secure conduct from me, and that is to convince me that the thing that is wanted is right. . . . Now, my friends, my heart goes out to you; 84,000 citizens of Alabama out of 207,000, with five candidates in the race, have said that they trusted me. I bear no enmity to those who fought me. I want no such thing cherished in my heart. . . .

hope and my trust, I thank you from the bottom of a heart that is yours."

Baton Rouge, La., Times
September 18, 1937

THE PRESIDENT AND THE KLAN ISSUE

President Roosevelt's approach to any government action or policy can be clearly seen in the Black issue.

The mere fact that Senator Black, whom he named to the Supreme court, had no record as a member of the American bar, was known as a police court lawyer in his home state of Alabama; seldom, if ever, had a case before the Supreme court; knew little law, and furthermore was of a tense partisan and prejudiced nature—none of these things interested President Roosevelt.

What did interest the president was that he thought the appointment was a smart political trick. Here he could name a man to the court who could be counted on to do as he wished in all issues. Here was a man whose appointment would be at least distasteful to many of the Southern senators, who were beginning to realize that the Roosevelt policies and actions were in violent contrast to the traditions and interest of the South. Those were the things that interested President Roosevelt—not Senator Black's qualifications for the job he was supposed to fill. President Roosevelt did not care about Black's lack of judicial temperament, or his almost total lack of knowledge of the law. What counted with him was that Black was a "yes" man in the senate, and would be a "yes" man on the court. And at the same time he would get even with some senators who had not jumped every time the whip was cracked from the White House.

But what is his attitude now that the Ku Klux Klan issue has been raised? In this issue the president's stand is the least creditable to him. Here politics enters.

None of the issues that should have given the president pause disturb him, but when an issue comes up that he thinks will alienate the negro vote in the North, Franklin Roosevelt exhibits great interest. Again he is thinking not of the court, but the controlled negro vote in the North which he and Mr. Farley have done so much to cultivate during the Roosevelt administration, even going so far as to name negroes to highly executive positions, especially from Pennsylvania.

When the Klan issue was raised, the president replied he didn't know Senator Black was a klansman, and intimated he might yet ask for his resignation.

But in all of this Franklin Roosevelt is not thinking of the Supreme court. He is thinking of the negro vote in the North. This controlled negro vote in the North that used to belong to the Republicans and now is with Roosevelt, is something the president wishes to hold to, even if it is necessary to repudiate his own man on the Supreme court.

Jackson, Miss., News
September 17, 1937

BLACK RES URGED BY FDR HAS

WASHINGTON — (AP) — Senator Burton K. Wheeler (D.-Mont.) joined today in the critics of Justice Hugo L. Black's alleged membership in the Ku Klux Klan, declaring President Roosevelt should appoint an impartial investigating board.

"If the charges are true, the president should ask for Black's resignation," said Wheeler, field marshal of the senate opponents of the Roosevelt court bill.

"This is a good illustration of what happens when an administration acts hastily and what happens when senators vote blindly for every suggestion that is made by the White House."

Shortly before Wheeler issued his statement at Fargo, N. D., Senators Reynolds (D.-N. C.) declared that opposition to Black was "a lot of spite and political propaganda." The furore created by published reports alleging Black was a life member of the Klan became so broad that Speaker Bankhead denied that he himself ever had been a Klansman.

Rep. Fish (R., N. Y.), had hinted an inquiry might find several Southern congressmen "on the Klan payroll or affiliated with the organization."

Efforts to force Black off the bench were not limited to congressional critics.

The Association for the Advancement of Colored People asked Mr. Roosevelt to request Black's resignation. The Washington Evening Star said there was a growing impression the president might do so unless Black denies he has been a Klansman.

Albert Levitt, former attorney in the Justice Department, said in New York he will press his suit to keep Black from taking office even though he has sworn to a dual oath.

Levitt filed a motion with the supreme court last month contending Black was barred on constitutional grounds because he voted for the bill authorizing full pay of \$20,000 a year for retired justices. Some of Black's opponents contend that vote makes him ineligible on the theory it increased the emoluments of his new post.

Ku Klux Klan - 1937

Hugo Black Hears Klan Head Assail Race Equality Belief

Imperial Wizard Evans at Klorero in 1926 Tells Hooded Members That Organization Must Support Only Native-Born, Protestant Candidates.

This is the fourth in a series of articles in which are disclosed the facts about the Ku Klux Klan membership of Hugo L. Black, which was charged in senate debate over appointment of the Alabama senator as an associate justice of the United States supreme court.

By RAY SPRIGLE.

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BIRMINGHAM, Ala., Sept. 15.— "And here is what we find. We 'I realize that I was elected by men who believe in the principles that I have sought to advocate and which are the principles of this organization."

Thus, United States Supreme Court Justice Hugo Lafayette Black pledged anew his fealty to the principles of the Invisible Empire, Knights of the Ku Klux Klan, before the great Klorero of the Realm of Alabama, September 2, 1926.

Hiram Wesley Evans, imperial wizard of the Ku Klux Klan, supreme chieftain over Klansman and Black and all the rest of the hooded horde, discussed those principles at the same meeting, when Black was made a Klansman for life.

That burst of Klan oratory by the imperial wizard, word for word and line for line, is available today. From the files of the Alabama Klan comes the transcript of the official report of the proceedings of the 1926 Alabama Klorero as taken in shorthand by Klan stenographer A. B. Hale, now official court reporter for Jefferson county.

"Deliver, or Else."

"Boys," shouted the uncrowned emperor of the Klan, "the Klan has a hard fight ahead. The time has come to deliver. We have passed through a mobilization period. We have passed through an organization period. We have the confidence of America's people. We have possession of the machinery of government over a great deal of American territory, and the time has come when the Ku Klux Klan must deliver, or else. The time has come to deliver perform-

ness for men to put the control whether we will have the great of the government in the hands of open spaces continue to provide people who think along those lines, the thought and the direction for those who will preserve American this great free nation.

ideals and customs and practices "That is the Klan program. We will make no apologies for it, are here to preserve America and

"Now I have but one hope as to do it is a genuine fight and I klansman for you this year, and don't mean maybe. It is a genuine through the coming year, and that hard fight. Well, you say, it isn't is this, that without thinking about here in Alabama.

individuals, be they wizards, dragons or exalted cyclops or your selves; without thinking as individuals, you think about a great cause—aiming to produce a general set of circumstances that will measure up to the cause.

"That is the program of the Klan. The fact that we are native-born, white, Gentile Protestants entitles us to supremacy and to lead.

"So let's get the country into the hands of that kind of people, but not a certain man—a type of men. And we want to go back to our forefather's slogan, that this was to be a country where a man low might worship God according to the dictates of his own conscience.

"That is the slogan that made this country originally. The only reason on earth why the Puritans landed on Plymouth Rock was that they wanted a country where they could worship God according to their own beliefs. The only reason why the Cavaliers haven't of refuge in the south. They made that wonderful settlement down in Virginia was because they wanted a place where they could worship God according to their own consciences. And the Cavalier of Virginia and the Puritan that landed on Plymouth Rock built a Protestant civilization that is the envy of the world. There has been no statesman able up to now to suggest in the form of a government a single improvement upon the government laid down by our Protestant forefathers.

"I tell them we don't aim to have it, peaceably. We aim to stay within the law just as long as we can stay within the law but we don't aim to have social equality. number horses out here."

"And if you are going to have that, I mean to tell you any time they propose to produce equality between me and a certain said negro they are simply going to have to hold a funeral for the negro whenever he claims it out where I am."

"Another article in this series will appear tomorrow.)

Liberty League Hits Roosevelt In Black Fight

President Knew Of Klan Link, Claims Shouse; G. O. P. Leader Heard

WASHINGTON, Sept. 14 (AP)— Chairman John D. M. Hamilton of the Republican National Committee said tonight it was "inconceivable" that President Roosevelt would knowingly have appointed a Klansman to the supreme court.

Entering the controversy over the alleged Ku Klux Klan connections of Associate Justice Hugo L. Black, he said in a formal statement that "all must hope that Mr. Roosevelt will be successful in finding a solution of this difficult problem compatible at once with the dignity of the Supreme Court and of his own high office."

"It is a matter of regret to Republicans no less than Democrats that the President should have remained in ignorance of the evidence regarding the affiliations of Mr. Justice Black," he said.

In an issue of such seriousness affecting as it does the integrity of our fundamental institutions there is no proper place for partisan criticism. Meanwhile, the justice department revealed that the government has already paid Black twelve days salary \$666.66, as a member of the court, although he has yet to sit upon that tribunal.

The American Liberty League, virtually dormant since the election of last November, returned to the political wars with a statement condemning that President Roosevelt must have known of Black's alleged Ku Klux Klan connections when he appointed him.

At the same time, Senator Bankhead (D), Alabama, issued a statement in Jasper, Ala., denying he assured his Senate colleagues, prior to the vote on confirmation, that Black was not a member of the Klan.

A fourth development was the receipt of a letter at the Supreme Court from Patrick Henry Kelly, a Boston lawyer, asking that a committee of lawyers be appointed to determine Black's eligibility, quite aside from the Klan dispute.

Black's pay check for August was mailed as a matter of routine, it was said. Each of the nine justices receives his \$20,000 annual salary in monthly installments of \$666.66. In many cases the checks are sent to the justice's bank for deposit and the justice never sees it.

The Liberty League statement was issued over the signature of its President, Jouett Shouse, who had just returned from Europe.

"Mr. Roosevelt was a prominent member of the Democratic convention of 1924, to which I also was delegate," Shouse said. "All who were there must vividly recall the bitter controversy that arose over the Ku Klux Klan."

"I have no personal knowledge as to whether Mr. Black is now or ever has been a member of the Klan. But, I remember distinctly when he was elected to the Senate from Alabama in 1926 his election was hailed as a great Klan victory.

"Mr. Roosevelt, then as now keenly interested in politics, was unquestionably familiar with the popular listing of Mr. Black as a Klan senator. It seems incredible that these circumstances could have escaped Mr. Roosevelt's mind when he was considering Mr. Black for the Supreme Court.

"If they did, then Mr. Roosevelt's memory was surely refreshed by the specific charge in the Senate debate over the Black appointment that Mr. Black had been affiliated with the North American Newspaper Alliance, Inc. Klan. In spite of that fact, Mr. Roosevelt used every power at his command to compel Mr. Black's immediate confirmation."

Legality Questioned
Kelly's objection to Black was based upon the argument, heard in the Senate debate, that the retirement of Justice Van DeVanter, whom Black was appointed to succeed, did not in fact create a vacancy on the court. Kelly added that even if there were a vacancy Black, as a member of the Senate, was ineligible to fill it.

His latter contention was based on the constitutional clause prohibiting the appointment of a member of Congress to an office if the office has been created or its remuneration increased during his term in the national legislature.

Senator Connally issued his statement through his Washington office, asserting impeachment of Black is "wholly improbable."

Although active in the Senate fight against the President's Supreme Court reorganization plan, Connally voted for confirmation of Black's appointment to the high court.

"Most of the furore at this time with respect to Justice Black's appointment and confirmation is politics," Connally said. "From some sources, at least, it appears to be an effort to embarrass President Roosevelt. I am wholly out of sympathy with such effort."

Asserting Black now is a member of the tribunal, the Texan added:

"No power on earth can remove him from the court except the House of Representatives by filing impeachment charges and the Senate by trying such charges; such a course is wholly improbable."

Connally declared the President has no power to remove a justice and termed it "unfair for the President's critics to urge that he request the resignation of Justice Black."

"The President ought not to be expected to undertake to influence a member of the court by putting pressure on him to resign or to pursue any other kind of course, once he has been appointed and confirmed as a judge of such court," Connally's statement continued. "... I insist as strongly as language can express that no interference by the Congress or the court shall be undertaken with regard to the constitutional functions

of the President. The effort to embarrass the President is wholly without merit."

EDITOR AVERS F. D. R. 'DISHONORED' BENCH

'Evidence Indisputable That Black Is Klansman'—William Allen White

Copyright, 1937, for The Constitution and the North American Newspaper Alliance, Inc. EMPORIA, Kan., Sept. 14.—

Speaking editorially of Supreme Court Justice Hugo L. Black and the Ku Klux Klan, William Allen White said in his Emporia Gazette:

"The evidence is indisputable that Justice Hugo Black was and is a member of the Ku Klux Klan. He has a perpetual membership. His resignation of Klan stationery was so obviously the usual Klan device that it is only an added black mark against his record. Many honest men were fooled by the Ku Klux Klan when it first appeared. Many crooks knew better, joined it for political purposes. But no wise, honest man was ever fooled by it nor ever played with it in any way.

"When Franklin Roosevelt is dead and buried and all his bones are rotted, the fact that he played around with Black and appointed to the highest honorable office in American life a man who was a member of the Ku Klux Klan, who could even be charged with being a member of the Ku Klux Klan, as Black was charged when Roosevelt named him; well, as we started to say, when Roosevelt is dead and gone he will be remembered in the history of this day and time by the fact that he was not above dishonoring the supreme court by putting a Klansman there.

"Why could not a man as smart as Franklin Roosevelt, as brave as any with Black, he received a life membership or gold 'passport.'"

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Among Klansmen Present Was Hugo Black

STALLINGS, BRAZELTON & HALE
COURT REPORTERS
317 COURT HOUSE
BIRMINGHAM, ALABAMA

LIST OF DELEGATES AND VISITORS AT THE
KLORERO - REALM OF ALABAMA
28-1/2 South 20th Street,
Birmingham, Alabama.

September 2, 1926.

James Edale (Presiding) Grand Dragon, Realm of Alabama.

Bert E. Thomas, Great Titan, Province No. 1, Realm of Alabama.

Cecil L. Davis, Great Titan, Province No. 2, Realm of Alabama.

W.D.L. VanOver, Great Titan, Province No. 3, Realm of Alabama.

Dr. H. W. Evans, Imperial Wizard, Knights of the Ku Klux Klan.

H. K. Ramsey, Imperial Klaxik, Atlanta, Georgia.

W. F. Zumburn, Legal Advisor, Washington, D. C.

Dr. J. E. Stout, Evangelistic Speaker, Birmingham, Alabama.

KLANS REPRESENTED

Robert E. Lee Klan No. 1

J. G. Murphy, Assistant Kligrapp & Grand Klabe

G. R. Trafford, Klaxogo

Geo. Frey, Grand Klansel & Chief of Klaxann

A. C. Sowell, Klaxann

Irving St. John, Official Realm Photographer

A. B. Hale, Official Court Reporter.

Walter S. Brower, Klan Giant.

Jimmie Jones

Hugo L. Black

F. W. Milton

W. H. Bearden

W. V. Higgins

F. V. Parker

D. R. Perkinson

J. C. Bell

J. D. Garrard

O. E. Young

Dan Moore, Jr.

W. A. Walker

Wm. J. Christian

L. K. Bowen

H. B. Garrett

C. W. Giles

Among the Klansmen present. Some of the Klan officials and delegates who attended the klorero at Birmingham September 2, 1926, a facsimile reproduction of the official report of the proceedings. Governor Graves, of Alabama, who recently appointed him to the senate vacancy resulting from Hugo Black's election to the United States supreme court, had been active in Klan affairs some years before the annual klorero of the Alabama realm in 1926, when, in company with Black, he received a life membership or gold "passport."

McADOO IS INTERVIEWED

William Gibbs McAdoo says that if he had known that Hugo Black had ever been a Klansmen he would not have voted to confirm Hugo's appointment to the Supreme Court.

The hypocritical old demagogue! William Gibbs McAdoo was the darling of the Ku Kluxers in 1924 when he was battling Al Smith for the Democratic Presidential nomination. He was the Klan's candidate for President. He gladly accepted his support. He never repudiated it by word or deed. So formidable was this support that McAdoo was able to force 100 ballots at Madison Square Garden before John W. Davis was nominated.

It does not become Senator McAdoo to speak ill of the Klan at this late date. He should have denounced it when it was trying to make him President of the United States and so place him in a position of greater honor and dignity than that of associate justice of the Supreme Court.

We begin to suspect that there is a good deal of hypocrisy in the current outcry against Black, although it must be admitted that McAdoo's is the most hypocritical of all possible statements that a Senator might make.

MR. JUSTICE BLACK

America's ultra-conservatives, stirred to righteous indignation by the nomination and subsequent appointment to the Supreme Court of Associate Justice Hugo L. Black are giving vent to their spleen in a vicious attack on the Alabama Klansman because he is suspected of having been a member of the Ku Klux Klan back in 1926.

The Anniston Star makes absolutely no defense of the indefensible Ku Klux Klan, let that be understood thoroughly, but we are of the opinion that Mr. Justice Black has completely and irrevocably severed all connections with this midnight organization. If he ever were a member, and that neither Imperial Wizard Evans nor any other man can make any claims or issue any orders that will affect in any degree the opinions of service of the new justices on the Supreme Court bench.

As a matter of fact, there were few politicians in Alabama in 1926 who were not in the Klan—a situation that is not to their credit—but the Klan vote was a potent factor in politics of this and many other states at that time and Klan endorsement was a tremendous factor in all elections. These same men once played cowboy and Indians, but their boyhood affiliations have been forgotten. So is the Klan forgotten. Of course, we recognize that the Klan could be a more serious factor, but today the hooded night riders are mere history.

That is the first consideration for those who still fling their banderillas. The second is that a unanimous verdict of the United States Supreme Court of five years ago bars the Senate from any attempt to rescind its confirmation of Mr. Justice Black. Therefore, there is nothing they can do about it, so what is the good of all the ranting and raving?—Anniston Star

Black, in London, Ignores Otter Of Full Ku Klux Klan Series Text Falty Is Pledged by Black To Ideals of Ku Klux Klan

By CHARLES W. HURD.

(Copyright, 1937, by the New York Times Company, and the North American Newspaper Alliance, Inc.)

LONDON, Sept. 15.—(By Wire-
less)—Supreme Court Justice
Hugo L. Black is becoming one of
London's enigmas as he spends a
holiday here while a storm of Ku
Klux Klan controversy rages in
the United States.

Behind a "barricade" of privacy,
erected at his request by one of
the leading hotels, he and Mrs.
Black carry out their private pro-
gram, the details of which remain
unknown. Mr. Black says no one
receives no telephone calls and has
ordered that no newspapers be de-
livered to his room.

When a representative of the
New York Times and the North
American Newspaper Alliance to-
day offered to deliver to him the
full text of the six articles printed
in the United States about his re-
ported Klan connection, Mr. Black
received the message through the
hotel desk, but did not acknowl-
edge it.

One newspaper reporter, who
went directly to Mr. Black's room
and knocked on the door, was told
through an open crack by Mr.
Black that the latter did not plan
to make any statement.

"I have come here for a vaca-
tion and I do not wish to be both-
ered," Mr. Black said.

So far as is known, Mr. Black
plans to remain here indefinitely.
He is receiving far more publicity
than any other notable foreign
visitor in London this season, most
newspapers here having printed
cable dispatches giving the gist at
least of the Klan series.

Minutes of Robert E. Lee Klavern Reveal Justice, Then a Senator-Nominate, Extolled Principles of Organization and Pledged for Its Counsel.

"True to the heaven-born prin-
ciples of liberty which were writ-
ten in the constitution of this
country and in the great historical
documents straight from the heart
of Anglo-Saxon patriots, with my
love and my faith and my hope
in the Ku Klux Klan. His supporters denied
and my trust, I thank you from
the bottom of a heart that is
yours."

Appointment of Senator Hugo L. Black, of Alabama, as an associate justice of the United States supreme court raised a question in the senate as to whether Senator Black was a member of the Ku Klux Klan. His supporters denied this. An independent investigation by an experienced newspaper reporter, disclosing the facts about Senator Black's Klan membership, is set forth in a series of six articles, of which this is the third.

By RAY SPRIGLE.

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BIRMINGHAM, Ala., Sept. 14.—
Before the fourth annual kloringo of the Realm of Alabama, Invisible Empire, Knights of the Ku Klux Klan, held in the klavern of Robert E. Lee Klan No. 3, South Twentieth street, Birmingham, on the afternoon of September 2, 1926, United States Senator-nominate Hugo Black renewed his pledge of fealty to the own words, "the ideals of this great fraternity to which we belong."

For hours he had listened to the fervid oratory of state and national leaders of the Klan. Their speeches extolled the principles of the Klan, denouncing Catholic and negro. And now the hour had come for Hugo Black to deliver his message to the Klan.

"I do not feel that it would be out of place to state to you here on this occasion," he told the Klan, "That I know that without the support of the members of this organization I would not have been called, even by my enemies, the junior senator from Alabama."

"I realize that I was elected by men who believe in the principles that I have sought to advocate and which are the principles of this organization."

"I desire to impress upon you as the representatives of the real Anglo-Saxon sentiment, that must and will control the destinies of the Stars and Stripes, that I want your counsel."

Memories of his boyhood in the little town of Ashland, Clay county, Alabama, were brought back to Black by that kloringo of the Klan Black and Imperial Wizard Hiram Evans, highest official in the invisible empire, both came from Ashland. Hiram Evans' father, known as "Judge" Evans, was a school teacher in the Ashland village school and young Hugo Black had sat in his classes.

Moved to Birmingham.

Hiram Wesley Evans in later years went to Texas to set up offices as a dentist. Hugo Black moved to Birmingham to begin the practice of law.

Most of the Klansmen present knew of the early boyhood association of the two Klan figures, so it was not news to them when Grand Dragon James Esdale interrupted the reading of his financial report to have Senator-nominate Black brought forward to be presented to Imperial Wizard Evans, "amidst great applause," as the stenographer recorded.

As the two shook hands, Grand Dragon Esdale turned to the assembled Klansmen with "Klansmen, I should say that it is a case of when Clay county meets Clay county."

"You know, I don't think Alabama ever thought much of Clay county probably, we never did hear of it. But first we got a Wizard from over there and that didn't seem to do them much good. You know, a whole lot of people didn't think that was much of an honor, to have a Wizard coming from their community, so we tried again and we got a United States senator from over there. So now I think Clay county will be on the map forevermore."

Pays High Tribute.

Skillfully Hugo Black paid trib-

ute to his one-time teacher in the little school at Ashland, when in his speech he said:

"It is indeed pleasant for me to be present on this occasion in the presence of one who received instructions from a father, when I can also say that I received instructions from that father as the teacher of my early boyhood. Some of the most pleasant memories of my life cluster around Judge Evans. . . . Some of the greatest inspirations that have come into my life I received from your father."

By order of the Klan officials who ruled the Realm of Alabama of the Invisible Empire, that address of Hugo Black to the Klans at the Kloringo of September 2, 1926, was recorded in shorthand and transcribed and filed as an official record of the Klan.

From the record of the Alabama Klan, Hugo Black's message to his fellow klansmen is here presented just as the official Klan stenographer set it down and transcribed it. Paragraphing, punctuation and the complete text of the address are reproduced from the 11-year-old record:

"My friends, it is my sincere trust that to the members of this organization in the future, as in the past, I will be 'Hugo Black.' I prefer that to the title, from my friends."

"This passport which you have given me is a symbol to me of the passport which you have given me before. I do not feel that it would be out of place to state to you here on this occasion that I know that without the support of the members of this organization I would not have been called, even by my enemies, the 'junior senator from Alabama.' (Applause.)"

Acknowledges Debt.

"I realize that I was elected by men who believe in the principles that I have sought to advocate and which are the principles of this organization."

"It is indeed pleasing to me to be present on this occasion in the presence of one who received instructions from a father when I can also say that I received instructions from that father as the teacher of my early boyhood. Some of the most pleasant memories of my life cluster around Judge Evans. I knew him as 'Judge.' Some of the greatest inspirations that have come into my life I received from your father. I can recall him now as though it were yesterday, walking up and down, with his cane, and his long coat, perhaps walking up and down in front of the boys and girls in that old frame building

at Ashland, for half an hour and never say a word, and finally perhaps say the very words which you have heard him utter so often. Stop, hit his cane on the table, and say 'young gentlemen and young ladies, if you can't say something good about a man, don't say it,' and he would continue to march. These words have been written into my heart and into my conscience."

Frail and Weak.

"Like all poor human beings, I am frail and I am weak. My conduct will not always meet with your approval. It would be futile to hope for such an event to occur, but my friends, I want you to know this. No man can really interpret the sentiments and the hearts of the people unless he is willing to listen to the counsel and the suggestions and the thoughts, and grasp the heart-strings of the people whom he loves and hopes to help. I crave your counsel, I want your advice, I want you to let it be known all over this state of ours, which is my native state and which I love with all the fibre of my being, that there is no man who lives under the Stars and Stripes, who is so humble and who is so insignificant that his words will not be received by me, that his counsel will pass unheeded by my ears, because, my friends, I know I am weak. I know that I cannot truly represent you unless you back me, not only with your good wishes, but if something comes up that you want to know where I stand, or if a question arises when I take a position contrary to your viewpoint, I want to know it. There will be, and there is now, but one way, and if my heart remains true to the God of my father and my mother, there will never be another, to secure conduct from me, and that is to convince me that the thing that is wanted is right. (Applause.)"

"I would prefer, my friends, to serve but one year, and go out of office with the knowledge and the consciousness that there was no popular uproar that had ever caused me to swerve from the line of duty than to stay in office until my eyes are closed in dreamless slumber by pandering to the things that are wrong and contrary to American traditions and instincts. (Great applause.)"

Counsel Asked.

"How can that object be achieved? There is no one man who ever breathed and ever lived that has a monopoly on all of the wisdom or learning. I desire to impress upon you, as the representa-

tives of the real Anglo-Saxon enemies. It is an ideal difficult to attain. I haven't reached it, I know that. I hope to, but my friends, I pledge you, I pledge you from a heart that appreciates your trust, I pledge you from a con-

science which I do not believe will listen to any voice of selfishness— I hope not, I know it will not, if I have your prayers and the supporting influence of your love and your trust and your confidence, and if I do something that you don't like, tell me about it. If it is wrong, convince me of it. You can rest assured I pledge you this, that while I know there will be things done that are wrong, because I am human, I will believe they are right. And it is the conscience, after all, that in my judgment determines the destiny of the hovering spirit that some day must seek its home beyond the Great River of Life.

"My friends, I thank you. I thank the Grand Dragon. He has stood by me like a pillar of strength. Not only he, but many others who are here before me. There may be some who did not. That is all right. That is your privilege and prerogative as an American citizen. I would not take away from it in the slightest degree. The great thing I like about this organization is not the burning of crosses, it is not attempting to regulate anybody—I don't know, some may do that—but my friends, I see a bigger vision. I see a vision of America honored by the nations of the world. Not only honored by the nations, but with a smile of the Great God of the Universe, beaming down upon it as it remains true to the principles of human liberty. God, oh God of our fathers, let it never be necessary in this great republic of ours for laws fashioned after the style of those which have become necessary in Mexico, where for 350 years the boys and girls have lived in blindness and in darkness. May the time never come when there will be any power in this nation of ours that will shut the door of hope to the boy that comes up on the humble hillside, or in the lowly valley. (Applause.)

"I Love You."

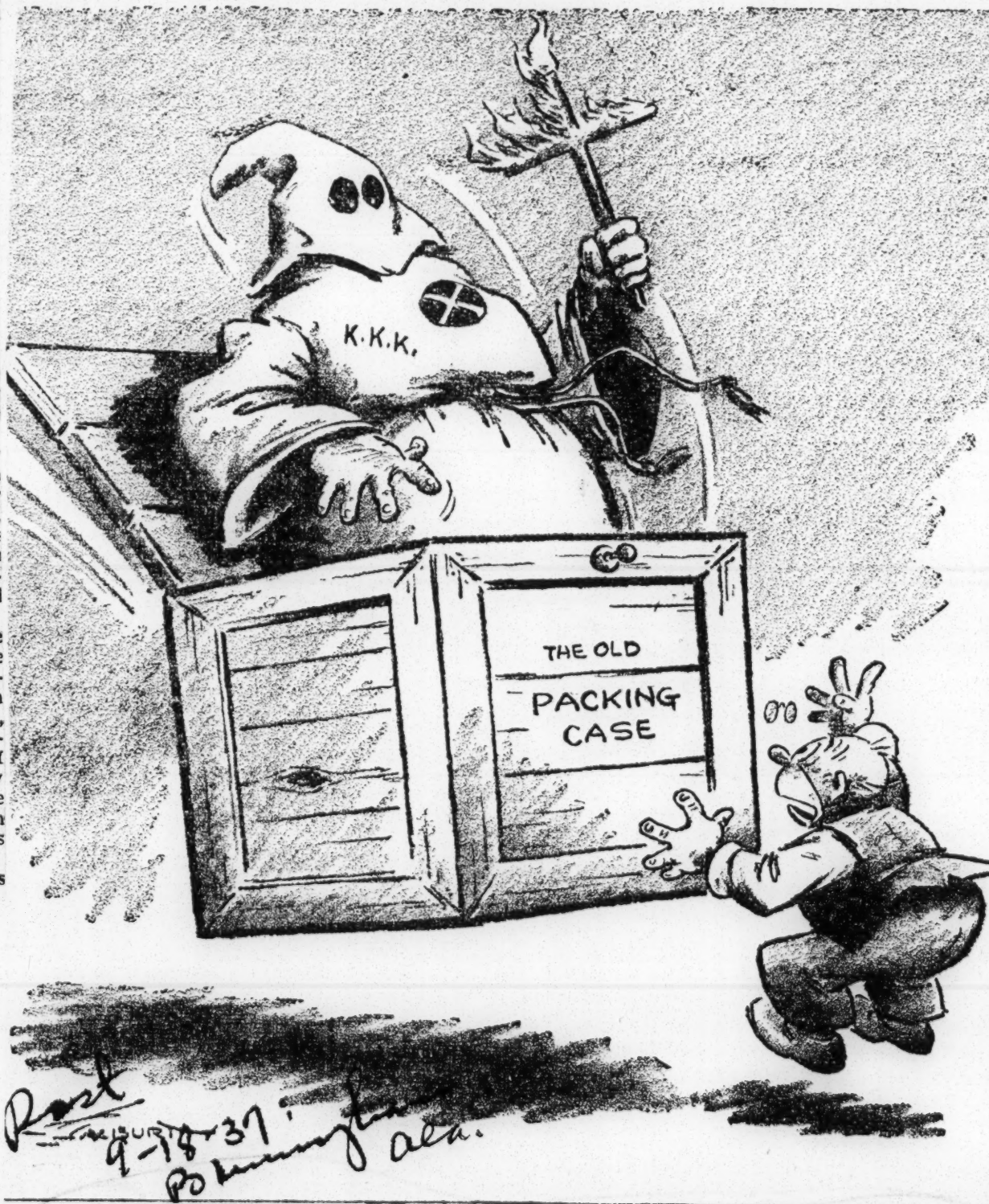
"And it won't, my friends, if we remain true to the American precepts and American principles. I don't want to take much of your time. My friends, I love you, I love the people of Alabama. I love those who were for me. I believe that now after having had to pass away the heat and the turmoil and the strife of political conflict, that I can say that I love all of the people of Alabama. (Applause.)

"The ideals of this great fraternity to which we belong are founded on the principles of that Man who taught us to love our en-

"I thank you, sir, with all my heart. I thank you, friends, from the bottom of my heart. With my love, with my faith, with my trust, with my undying prayer that this great organization will carry on sacredly, true to the real principles of American manhood and womanhood, revering virtue of the mother of the race, loving the pride of Anglo-Saxon spirit—and I love it—true to the heaven-born principles of liberty which are written in the constitution of this country, and in the great historical documents, straight from the heart of Anglo-Saxon patriots, with my love, and my faith, and my hope and my trust, I thank you from the bottom of a heart that is yours." (Great applause.)

(Another article in this series will appear tomorrow.)

Ooops!



IS JUSTICE BLACK A KLUXER?

Of course, the renewed charge and recent story about Justice Black being a life member of the Ku Klux Klan had its origin in political fodder, but even a thief can give good information. According to statements made by Senator Copeland, who is a candidate for the Democratic nomination for mayor in New York City, Senator Black, now Justice Black, has been made a lifelong member of the Ku Klux Klan. The question for Negroes is whether or not Senator Black was a member or is still a member of the Ku Klux Klan.

A number of Negroes, who are machine-minded, attempted to justify President Roosevelt's nomination of Senator Black of Alabama, and attempted to minimize the significance of his relationship with the Ku Klux Klan. THE INFORMER took the position that if he had ever been a member of the Ku Klux Klan he was forever thereafter tainted with a bias and prejudice which would make Negroes doubtful of his fairness to them. Now, with this new charge that he was a member, got out of it and went back and was made a life member, the fears of Negroes are stirred afresh.

Whatever is true, so far as the interests and rights of Negroes are concerned, President Roosevelt played the devil when he nominated Senator Black to be Justice of the Supreme Court of the United States. The Supreme Court of the United States is supposed to be the carburetor of justice. It is the place where justice is purified, regulated, and put into simple order or purified again, after being disturbed in the lower courts. The Supreme Court is supposed to be the quintessence of justice and fairness.

But, when you corrupt the source, when you corrupt the thing that is supposed to be the purifier, putting into it narrow-minded, bigoted, prejudiced parts, you vitiate judgment and you vitiate justice. No person, who is a member of the Ku Klux Klan, can be counted by fair-minded men, as likely to be just and fair to the interests of Negroes. Granting that they would like to be fair, their bias and their associations make it impossible.

The recent furor serves again to emphasize the fact that President Roosevelt, in selecting a man for the Supreme Court, should have, in fairness to Negroes, selected a man free from the taint of Ku Kluxism. There was enough evidence and enough charges against Senator Black to have made President Roosevelt, if he had been actuated by a desire to be fair and just in his selection, to Negroes as well as others, change his nomination and nominate some one free from bias against 15,000,000 citizens. The truth is that President Roosevelt was not thinking about the rights of Negroes and was primarily actuated by a desire to put across a political program of his own. Negro leaders who attempt to minimize Senator Black's hostility to Negroes and to justify President Roosevelt's appointment, are either not thinking straight or are hypocrites.

THE INFORMER admits that President Roosevelt has done fine work and will go down in history as an outstanding

ing president of the United States. For the most part, it has been in accord with his policies and with the social innovations that he has attempted. But THE INFORMER is still an independent paper, and not a slave and dumb-driven Democratic puppet. THE INFORMER, therefore, says that the appointment of Senator Black was, and is calculated to be, an injury and a threat to the rights of Negroes.

We regret that President Roosevelt nominated Senator Black. But that a senate, overwhelmingly Democratic, would confirm Senator Black, even though there was evidence that he was unworthy, was a foregone conclusion. We believe President Roosevelt had that fact in mind when he nominated Senator Black who, if he had been anything else except a member of the senate, would never have been confirmed. But Senator Black had served the purposes of President Roosevelt in the senate, and was certain to carry out the wishes of President Roosevelt on the Supreme Court. So, President Roosevelt paid a past debt and assured himself of another member who thought as he did and would do as he wanted on the Supreme Court. We charge definitely that that was the sole reason for the appointment of Senator Black, and that President Roosevelt could not think that Senator Black would be any particular friend to Negroes. Consideration of the rights of Negroes was not in the President's mind when he appointed Senator Black.

Senator Black fought the Anti-lynching Bill. On the other hand, many liberal Southerners have supported the Anti-lynching Bill, and they are now supporting it and are ready to do battle for it. Senator Black has been, more or less, on the opposite side of bills for the liberalization of any institutions that the government took part in providing for Negroes. This conduct of Senator Black's comports with membership in the Ku Klux Klan. But with this second charge that Senator Black is a lifelong member of the Ku Klux Klan, the situation becomes more serious because if he had been a member and resigned, his friends might argue that a man can change. But if he so thoroughly embraced the tenets and beliefs of the Ku Klux Klan as to accept a lifelong membership, there is grave concern as to whether or not the man has any possible chance of being fair to Negroes on issues that come up in the Supreme Court. We hope some one will answer the question whether or not Senator Black is in truth a lifelong member of the Ku Klux Klan.

Klansmen In High Places

THE purported discovery that Mr. Justice Black is or was a life member of the Ku Klux Klan is causing a lot of people. Something has been said about man being "the creature of circumstance" which is disputed by the saying that "circumstances are the creatures of men." And the whole thing is blasted by the fact that Mr. Black took an oath, so it is said, to nullify the constitutional declaration that "circumstances never made the man do right who didn't do right in spite of them." For a decade following the World

War the Klan governed the deep South. We venture to say, without fear of being indicted for extravagance of speech, or of being successfully contradicted, that during that period no man who opposed the Klan in the South, or in the North, to be more exact, could be elected to high public office. Oscar W. Underwood stepped down from his senatorial seat and his exalted place in the political life of the nation because he refused to bow to the Klan, and had the temerity to publicly denounce the outfit. Hugo Black succeeded him. Mr. Black had been a police court justice and a county prosecuting attorney. He was, at the time, as far from being of the caliber of Underwood as either one of the poles is from the equator. But he was a Klansman.

So there you are. We believe that if a poll were taken of the members of the United States senate, and of the roster of the living ex-governors of most of the states of the Union, and if the truth were disclosed, few would be found who were not, during the nineteen-twenties, if not now, members of the Klan.

None of which justifies the appointment of Mr. Justice Black, by any means. It merely points out that the Klan has "gone places," finally landing upon the Court of Last Resort, and that our alleged democracy is saturated with bigotry, intolerance and violence.

In taking the Klan oaths Mr. Black

them. Which oath will he keep?

That is the question that is worrying a lot of people. Something has been said about man being "the creature of circumstance" which is disputed by the saying that "circumstances are the creatures of men." And the whole thing is blasted by the fact that Mr. Black took an oath, so it is said, to nullify the constitutional declaration that "circumstances never made the man do right who didn't do right in spite of them." For a decade following the World

subscribed to this one: "I swear that I will most zealously and valiantly shield and preserve by ANY AND ALL JUSTIFIABLE MEANS . . . white supremacy. All to which I have sworn to this oath, I will seal WITH MY BLOOD, be thou my witness ALMIGHTY GOD. Amen."

That is the type of man that Mr. Roosevelt has put upon the Supreme Court, to liberalize it. Will the change of environment alter Mr. Black? Can the leopard change his spots?

All Negroes Interested in Mr. Justice Black's Answer

As to K. K. K. Connections—Fear Grips Majority.

To many American white people, the question as to whether Mr. Justice Black is a K. K. K. or not, may mean little, to other millions of other white people it is beyond question an absorbing enigma and one fraught with a multiplicity of the things they fear.

The rank and file of Negroes are frozen with fear for the chance they will have before the Supreme Court if Justice Black should figure on the bench in the way the Negroes feel that he is booked—with the Supreme Court record showing that 5 and 4 decisions on most of the big issues before the court, it would appear that Mr. Black will become the uncrowned "head" of the court. If that turns out to be true, and he is a K. K. K. at heart, the Negro feels that the one court by which the Negro has sworn will have lost its saying power in so far as the Negro is concerned.

The Negro people fail to see how by denying his alleged affiliation with the K. K. K. because of some Klan ruling permitting such denial while the facts are just in reverse, could make Mr. Justice Black any more loyal to the traditions of the Supreme Court, than he can be to the oath he is said to have taken as a Klansman.

While it seems there is no way of getting Mr. Black off the bench now, it would appear that Mr. Roosevelt's successor as democratic candidacy for the presidency of the U. S. A., will have to struggle along without the Negro vote on account of his nomination of a K. K. K. to the Supreme bench. On the other hand, if the great noise about Mr.

Black's K. K. K. past is kept up, it may render Mr. Justice Black a rubber stamp for the conservative justices rather than a rubber stamp for Mr. Roosevelt, which would mean that the Negro loses nothing and the administration gains nothing, while Mr. Black can save at least his \$20,000.00 per year job—a stipend \$12,000,000 help to pay—can Mr. Black give value received?

BLACK REFUSES TO COMMENT ON KLAN UPON RETURN HOME

'I'll Make Statement When I Will Not Be Misquoted'

GOES TO CAPITAL

Justice Indicates He May Answer Soon Over Radio

By United Press. NORFOLK, Va., Sept. 29.—Justice Hugo L. Black returned to the United States today from a European vacation, refusing comment on charges he was and is a member of the Ku Klux Klan but indicating he might make a statement later, by radio.

Mr. Black, interviewed as he arrived from England aboard the S. S. City of Norfolk, declined to answer

'HELLO, HOME FOLKS!'
NORFOLK, Va., Sept. 29.—(Special.)—Justice Hugo L. Black was tight-lipped with reporters today but he did take time enough to send a special greeting to his home state, Alabama. After he and Mrs. Black had undergone the photographers' flashlight barrage at the pier here, Justice Black told The Birmingham Post reporter to "say hello for him" to the folks back home.

"We had a fine visit in Europe," he said, "but Alabama is still swell."

a point-blank question as to whether he was a member of the Klan.

"When I have any statement to make on any subject I will make it in a way that cannot be misquoted, and so the public can hear it," he declared.

series of newspaper articles to be a life member of the Ku Klux Klan.

Smiling at persistent reporters, Mr. Black merely declared that he was leaving immediately by automobile for Washington.

Mr. Black and his wife, accompanied by Clifford Derr, Mrs. Black's brother-in-law, left the pier shortly after 9 a. m. by automobile to motor to Washington. They were given an escort of motorcycle policemen.

Once on deck, Mr. Black was genial and smiling.



No Amplification

Poses For Press

"Does that mean a radio speech?" a reporter asked. "Well," he replied, "some parts of the press might fail to publish what I said."

Repeated urgings by reporters to amplify his remarks drew no statement from the new Supreme Court justice who was declared in a

"Take all you want, take all you want," he kept repeating to photographers. Mr. Black wore a gray felt hat, a single-breasted blue suit and a red and white necktie. A lightweight overcoat was slung carelessly over his arm.

Reporters who boarded the City of Norfolk at quarantine found Mr.

Won't Answer

Justice Hugo Black, of the Supreme Court, steadfastly refused to make any comment on charges that he is a life member of the Ku Klux Klan when he arrived at Norfolk, Va., today after a vacation in London. Justice and Mrs. Black are shown in a smiling pose, above, taken just after he was nominated to the high court.

Black in his stateroom. He poked his head out of his stateroom door, commented, "This is a fine reception," and then refused to make any statement until a little later.

After a few moment's wait, reporters again knocked on the stateroom door. When Mr. Black appeared, W. H. Mylander, Washington correspondent for The Pittsburgh Post-Gazette which printed the series of articles exposing Mr. Black's purported Klan membership, offered the justice a file of newspapers containing the articles.

Refuses Series

"Would you like to have copies of The Post-Gazette's series?" Mylander asked.

Black turned his back, rejoining sharply:

"No, take them back to Mr. Block (Paul Block, publisher of The Post-Gazette)."

Mr. Black's fellow passengers aboard the City of Norfolk said that he mingled little with his shipboard companions. Occasionally, they said he engaged in a game of shuffleboard with other passengers.

Justice Black's Impeachment Is Improbable

Walsh Says Senator Got Post By Deception But Removal Is Not Likely

WORCESTER, MASS., Sept. 22.—(P)—Although asserting Justice Hugowere responsible for the attacks on Black, of Alabama, obtained election to the Supreme Court "by deception" through failing to disclose previous membership in the Ku Klux Klan, Senator David I. Walsh (D-Massachusetts), said today he believed Black's impeachment by Congress "improbable."

An impeachment proceedings, he said, would have to originate with the House, adding he believed the most feasible way in which Black could be eliminated from the highest tribunal would be for President Roosevelt to

"demand and obtain his resignation."

"There is still one other possibility," Massachusetts' senior Senator declared, "that the Supreme Court will rule on the question of Black's eligibility. This would not be on the Klan issue, but on constitutional provision that the act of the last Congress providing for retirement of justices of the Supreme Court disqualified any member of the Congress at the time the law was passed from accepting a place on the bench created by the retirement provision. While the Supreme Court would do with this issue, no one can anticipate."

Walsh charged the former Senator from Alabama grossly imposed upon President Roosevelt and his former colleagues by "inferentially denying," through his silence, rumors of Klan affiliation which were in circulation while his appointment was pending.

Walsh said he was in communication with a group of senators who feel they were "misled" on Black's appointment, who he expects will record themselves at the next Congress "through some form of resolution, as opposed to Mr. Justice Black's membership on the Supreme Court bench thereby publicly asserting through this resolution that they were misled and deceived."

Norris Wants Court Issue Revived

LINCOLN, NEB., Sept. 22.—(P)—Senator George W. Norris, veteran Nebraska independent, said today the fight to "tie the Supreme Court to the people is not over yet, by any means."

He called for presentation of the court issue to the electorate, and advanced two proposals which he said would make the high tribunal more democratic:

1. Make it impossible to declare a law unconstitutional by a mere majority. This he said could be done without a constitutional amendment.
2. Limit, by amendment, the terms of the Supreme Court justices and other Federal judges to nine years instead of life.

Norris said he would push the fight or his bill embodying the first proposal at the next congressional session "if it looks as if it will stand any show of passage."

He spoke enthusiastically of the fight he predicted against the "corporations and monopolies" he said Black, of Alabama, obtained election to the Supreme Court "by deception" through failing to disclose previous membership in the Ku Klux Klan, Senator David I. Walsh (D-Massachusetts), said today he believed Black's impeachment by Congress "improbable."

Norris praised the appointment of Black to the Supreme Court but lamented his removal from the Senate, where he said his "courage and honesty are needed." He commented that "even if Black is a member of the Ku Klux Klan, that is no legal objection to his appointment."

Secret Service Didn't Investigate Black

WASHINGTON, Sept. 22.—(P)—Atty. Gen. Cummings reported today that the Justice Department had made no investigation of Justice Hugo L. Black's qualifications either prior to his appointment or since accusations that he belongs to the Ku Klux Klan. He told reporters it is not the department's practice to investigate prospective appointees to the Supreme Court, and that no one has requested an inquiry since the Klan charges appeared.

In response to questions, the attorney general declared he had not being used to obtain new members, is organized in at least 10 states and is attempting a comeback. He expressed belief that the Black case is who will be used apparently to fight "for Black."

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By T. J. P. 9-29-37

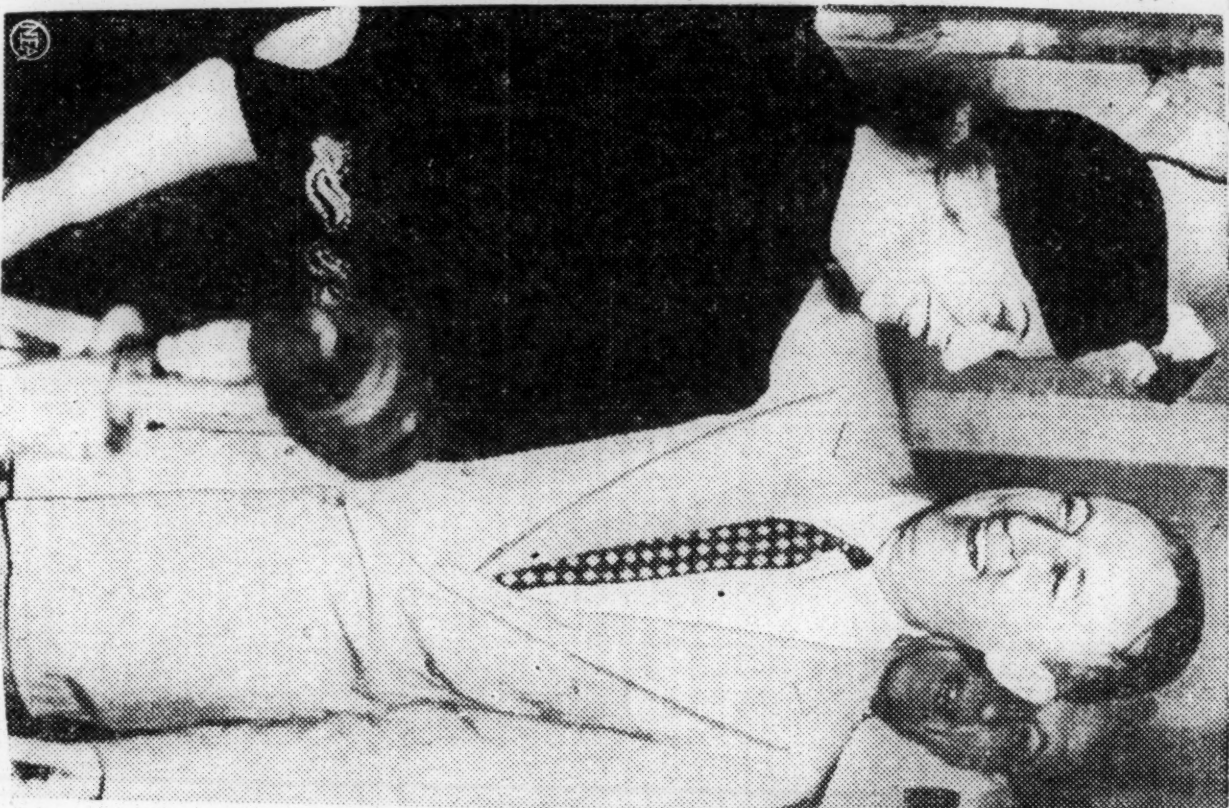
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In response to questions, the attorney general declared he had not talked in more than a year with William E. Fort, Black's former law partner, who has been a member of Cummings's own staff since Aug. 1, 1933. He added, however, that it was a fair bet he would talk to Fort when he could "get around to it."

Fort, meanwhile, declined to tell newsmen whether he and Black were fellow members of the Klan. Representative Dickstein (D), New York, declared here that the Klan now

is organized in at least 10 states and is attempting a comeback. He expressed belief that the Black case is being used to obtain new members, who will be used apparently to fight for Black.

'Sage of Emporia' Calls Black Case Reflection on President Roosevelt

Executive Could Easily Have Checked Burke Charges at Time He Sought Confirmation of Appointee in Senate, William Allen White Asserts.

Supreme Court Justice Hugo L. Black and the Ku Klux Klan are discussed here by "The Sage of Emporia," eminent journalist and political observer, who was active in the fight against the Klan during the 1924 gubernatorial campaign in Kansas.

By WILLIAM ALLEN WHITE.

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EMPORIA, Kan., Sept. 20.—The Black affair is attracting the attention of the American people, and properly. First because the Black affair puts a blemish upon the integrity of the supreme court by nesting a Kluxer there, and second because the sincerity and good judgment of the President are challenged by the fact that he could name a member of the Klan to the supreme court.

It is only fair and fairness should certainly govern in this discussion—to relieve the President of all responsibility in the actual appointment of a Klansman. That he was hasty will probably be his defense. Most likely he was angry. That he did not consider the rumors about Black and the Klan that have been rife in politics for a dozen years, which all informed politicians knew and which the President could easily forget if he had heard them, may be a reasonable statement. Certainly President Roosevelt's high ideals allow Burke to summon his wit of public service entitles him to the benefit of every doubt. At least the President, up to the day of the nomination, should not be blamed.

Witnesses Offered.

After that another situation arose. When Black was nominated, immediately the definite, explicit charge was made that he was a member of the Ku Klux Klan. It was made openly and officially, on the floor of the senate. Moreover, Senator Burke offered to produce witnesses to prove under oath all that now is set forth in the newspapers.

Senator Black was within the sound of Senator Burke's voice. He could have demanded an investigation. He could have asked to take the stand and deny or affirm these scandalous rumors.

The President certainly knew that there was more than a possibility that he had appointed a Klansman. The President himself even then could have investigated. As the presidential sponsor of Black's nomination, Mr. Roosevelt properly might have asked Burke for his evidence. Obvious-

ly it was not too late then to withdraw the appointment, at least to suspend it. Certainly it was not too late quietly to ask the Democratic organization in the senate to hold the confirmation open. Did President Hoover join the Klan, not merely through the nomination of Parker when charges of race prejudice were made against Parker, his supreme court nominee from North Carolina? No, the senate Republicans took their time and defeated Parker's nomination. He, like Hugo Black, was charged with racial prejudice. When Charles Hughes was nominated and challenged by the Progressives, ample time elapsed, with Hoover's approval, to learn all the facts about the charges. But times and parties have changed.

Black Sat Tight.

What did Senator Black do, knowing the real facts, whatever they may be? He sat tight. He kept still. When he was given an opportunity to speak, he was silent. What did the President do? He, also, took the partisan attitude that to attack Black was to impugn Roosevelt's motives. Apparently he made it a personal matter. Certainly the Democratic organization in the senate, which nods when Roosevelt winks, rushed the confirmation through. Hurried and harried the Democratic senators, who refused to allow Burke to summon his witnesses.

The Democratic organization in the senate did not even hint that Black should make a statement in his own behalf. A dozen senators now claim they would not have voted to confirm Black if they had known what they know now. The President could have easily given the word to hold the confirmation and today these senators could vote intelligently where last month they voted blindly, following the President.

It must be assumed in fairness that the President was innocent when he named Black. But was he entirely blameless when he jammed the nomination through? Whether it was pride, pique, anger or negligence that held the President's hand when he opened the throttle and steamed ahead is unimportant. The point at issue is that he let the golden hour pass when the truth might have come out. He slept on his rights—our American rights to have a full, free discussion of the nomination of a justice of the supreme court.

To Fail Is Unthinkable.

The President, in his recent speeches, has bemoaned the growing lack of confidence in the court. What did he do in speeding the confirmation of Senator Black to restore that confidence? But if the case is closed, it will be the President who will sit on his hands. It is scarcely thinkable that this leader, who has proved himself so brave, so gallant and so noble in his social vision, will fail his country in this crisis.

As for Mr. Justice Black, whatever censure he deserves is not for joining the Klan, not merely for accepting Klan support, not even for expressing his ardent gratitude therefor. Many an honorable man has been deceived by the Klan. Many a bedeviled politician in a tight place has accepted Klan votes, has been ashamed of it and has lived it down.

Hugo Black has done distinguished service in the senate. But his moral malfeasance was a failure of either courage or of judgment. When other senators were accusing him of Klan connections, he knew full well that those connections were a material factor in his confirmation. He sat silent. He knew also that his silence was taken as a dignified denial of the charges which his colleagues would accept. If his denial was a subterfuge and deception, then he has certainly deliberately and with malice prepense accepted his confirmation under false pretenses. This introduction to the high court of his country is the measure of his blame.

Messenger Chosen

For New Justice

WASHINGTON, Sept. 23.—(AP)—

When Hugo L. Black returns from Europe next week to take his new position as associate justice of the Supreme Court he will find that a man who is a negro and Catholic has been selected to be his personal messenger.

Subject to the approval of the new jurist, the court designated Leon A. Smallwood, who has been connected with the Supreme Court Marshall's office for years, to fill the job. All of the other eight justices have negro messengers. That is the custom.

Before he sailed for a European vacation Black named as his personal secretary Miss Ann Butler, who had been associated with him while he was senator from Alabama. It was understood at the Supreme Court that she is a Catholic.

Black's appointment has been criticized as a result of allegations that he is or has been a member of the Ku Klux Klan.

The new justice has vet to complete the personnel of his office by appointing a law clerk to aid him in digesting the 450 cases now on file. The jurist will have to work fast if he goes through the petitions between his arrival next Wednesday or Thursday and the first meeting of the court on the following Monday. He may decide not to participate in

the action on petitions already before the tribunal.

Selection of Smallwood was due to the fact that he is number one on the list of messengers connected with the marshal's office and hence was entitled by the policy of rotation to the first opening with a justice.

Apparently pleased by his designation, the middle-aged negro smilingly waived aside all questions and explained he had nothing to say.

Duties of a messenger range from taking his justice's books and papers to and from the court to serving lunch and acting as barber. He is a man of all work.

Continuing through Iowa, the President had a homey visit with a small crowd that gathered about the train at Beverly. The special stopped there for coal and water late in the day.

Appearing on the rear platform in response to cheers, the President said:

"I've had a good talk with your governor for three minutes. It's good to be back here again and I'm glad to see things look a lot better than they did a year ago at this time."

He waved and smiled when some one in the crowd yelled: "Thanks for coming to see us, and come back again." Then a man cried: "Let's hear from Mrs. Roosevelt."

"I haven't anything to say," the President's wife responded. "Except that I wish you all good luck." She was dressed in black and wore a large orchid at her shoulder.

Gov. N. G. Kraschel, of Iowa, who boarded the train at Beverly, stood with the President and Mrs. Roosevelt during their appearance.

Although the special did not stop at Cedar Rapids, hundreds gathered along the track there. They were rewarded by the President's appearance on the rear platform. The train crept along at less than ten miles an hour as we waved to the citizens.

HUGO BLACK SAILS TOWARD AMERICA IN SURPRISE MOVE

Justice Afforded Desired Privacy Aboard Slow Liner Bound for Baltimore; Silence Unbroken

ABOARD THE S. S. CITY OF NORFOLK, Sept. 21.—(AP)—This small ship, bound for Baltimore, Md., tonight afforded Supreme Court Justice Hugo L. Black the privacy he has demanded since the question of Ku Klux Klan affiliation was raised a month ago. The City of Norfolk, which the associate justice and his wife boarded quietly at Southampton

at the last minute, will give him an eight-day respite from the questions of reporters, whose colleagues will be waiting for him in the United States.

Refuses Comment.

In London, he steadfastly refused to comment on reports that he is a life member of the hooded Klan and on attacks made against him by United States Senators Royal S. Copeland, Democrat, New York, and David I. Walsh, Democrat, Massachusetts, both of whom raised the Klan issue.

Mr. Justice Black secluded himself in his hotel room there and asked that visitors and telephone messages be kept from reaching him. Aboard ship also, he asked officers to assure his privacy.

He boarded this slow 8,400-ton liner two minutes before its gangplank was pulled up at Southampton yesterday.

So far, the newly appointed associate justice has issued only one statement since the Klan issue was raised, charging "press persecution."

Wanders Through London.

He had wandered freely through London sightseeing until yesterday when, apparently, he abruptly changed his plans and sailed for home, cancelling previous reservations aboard the liner Manhattan.

The change was made after the Manhattan reservations had become known. Mr. Justice Black and Mrs. Black speeded from London to Southampton by automobile just in time to board the Norfolk.

NEPHEW SAYS BLACK WILL ANSWER CRITICS

WASHINGTON, Sept. 21.—(AP)—Cutler Smith, a nephew by marriage of Justice Hugo L. Black, said today he believed Black would make a statement on his alleged affiliation with the Ku Klux Klan "if it is requested by the proper authorities."

He said the justice would not evade that or any other question. "I believe any senator who asks him will get his answer," he said.

MAVERICK HITS WHEELER FOR BLACK DEMANDS

SAN ANTONIO, Texas, Sept. 21.—(AP)—Representative Maury Maverick, Democrat, Texas, criticized Senator Burton K. Wheeler, Democrat, Montana, today for urging President Roosevelt to demand the resignation of Supreme Court Justice Hugo Black.

Maverick said:

"As a bitter opponent of the Klan from the time of its organization I denounce the fight on Mr. Justice Black as underhand politics. I have been asked to join in his impeachment. For what? He cannot be impeached at all, and

those who advocate it know it, ever to demand the resignation of a justice.

They do so not only to embarrass any judge."

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'Sage of Emporia' Calls Black Case Reflection on President Roosevelt

Executive Could Easily Have Checked Burke Charges at Time He Sought Confirmation of Appointee in Senate, William Allen White Asserts.

Supreme Court Justice Hugo L. Black and the Ku Klux Klan are discussed here by "Sage of Emporia," eminent journalist and political observer, who was active in the 1924 gubernatorial campaign in Kansas.

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It is only fair and fairness they may be? He sat tight. He taken as a dignified denial of the fact that his colleagues were charged with living it down.

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For the President to make any such demand would be highly improper, for he has no right what-

ever to demand the resignation of any judge.

PRESIDENT IS ACCUSED OF AVOIDING BLACK. WASHINGTON, Sept. 21.—(AP) Representative Fish, Republican, New York, said today that President Roosevelt's impending western tour is a "studied attempt" to avoid meeting Supreme Court Justice Black before the latter

fish termed accounts of Justice Black's initiation into the Ku Klux Klan "so specific and damning that in view of the senator's silence they must be authentic."

Those who advocate it know it. They do so not only to embarrass the President, but the supreme court of the United States as well.

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Fair Enough

By
WESTBROOK PEGLER

Klansman On Court Is Not, In
Pegler's Eyes, The Answer
To Liberals' Prayer



NEW YORK, Sept. 16.—Pardon me, friends, while I bust a few ribs laughing at our earnest, intellectual pals over there on the left, the ideology blokes who dusted off a spot on the floor and threw themselves a fit of jubilation over the appointment of Hugo Black to the United States Supreme Court as a great progressive victory.

Hugo, you remember, was one of those progressive statesmen of the New South like Senator Ellender, who helped Huey Long create his armed dictatorship; Bibb Graves, the old Kluxer who named his own wife to Black's seat in the Senate; Theodore Bilbo, who was given a \$6000 Federal job clipping papers and magazines because his need of money was more urgent than that of the forgotten man, and Major George Berry, the millionaire labor leader and industrialist from Tennessee.

Hugo was going to liberalize the big court. Hugo had a broad mind and great intelligence and it was a dirty outrage, by and large, that a little passel of wilful traitors to the mandate of the last election made it impossible for Mr. Roosevelt to discover five more like him to outvote the fiery old reactionaries left over from the dark and ignorant past.

OLD ISSUE BOBS UP TO CONFRONT HIM

Well, maybe Hugo himself was a little bit crude around the edges, but he was Mr. Roosevelt's own selection and thus covered by the mandate and, anyway, his innate progressiveness would more than compensate any professional judiciary lack.

But now what's all this about Hugo Black's having been a member of the Ku Klux Klan in Alabama and his refusal, in the face of a plain accusation printed all over the country to say aye, yes or no or go to hell?

If he was a member of the Ku Klux Klan, pledged by an oath elaborated from the blood-curdling vows that little boys take on joining the Secret Six in a cave, to persecute minorities for religious and racial reasons, is he still the great progressive that he was a few weeks ago, and does the mandate wash

DID HE TAKE OATH WITH FINGERS CROSSED?

True, that would have been 10 years ago, but Hugo was no child even then, and the character that was capable of joining such a conspiracy against the rights of other citizens, if Hugo did join, was set and hardened beyond change. And, granting that if he did join the Klan it was done only as a political ruse, how do you like having a man on the highest court in the country who was capable of taking the Ku Klux Klan oath with all its talk of God, in a spirit of expediency, just to win a lousy political job? If a man can take one oath with his fingers crossed, might it not be a wise precaution to make him keep his hands in plain sight when he takes another, to uphold the Constitution and administer justice impartially, and did anyone see to that when Hugo was sworn into the court?

And again, if he did join, a possibility which may reasonably be considered in view of his refusal to deny or admit that he did, what kind of character is this that put other senators and perhaps even the President himself on the spot by withholding this information from them knowing that his membership, past or present, would affect their judgment as to his fitness?

So this is one of the new progressives whom the millions demanded in the mandate, and whom our heavy-duty thinkers for the butchers'-paper magazines would like to see multiplied by six, so that labor will get a square shake in the big court, and the Scottsboro boys of some future time may be protected against local passion and prejudice.

Boomerang

We are more amused than excited about the Black-Klan incident—especially as it pertains to some of our fellow liberals in political and journalistic circles.

The incident strikes us as being blackest for the President and the die-hard supporters of his court packing plan. It also strikes us that the suddenly aroused indignation of some of those who voted for Black's confirmation and of some of those who threw up their editorial hands in jubilation is slightly ridiculous.

Had they given more consideration to the cause they might have suffered less agony from the effect.

From the first many sincere liberals objected to the court packing plan on the grounds that the method employed made certain that the mental attitude rather than judicial qualifications would determine selections. There was also a well grounded objection from liberal quarters to a confirmation jammed through the Senate without the customary scrutiny of the character, person, ability and antecedents of the man being considered.

The matter of Senator Black's Klan support and affiliation can cause no real surprise to the President. The issue was out in the open long before the confirmation vote was taken. But the President apparently closed his eyes to the light on the subject which now appears to have shocked him into declaring a moratorium of silence. If the matter of Mr. Justice Black's obligation and political debt to this brigade of bigotry was of no importance to the President before the Senate's confirmation, what has made it so important now? The answer is simple. The President's victory in forcing Black's confirmation through a hot and harassed Senate has proved one of the quickest returning boomerangs of his political career. The result has demonstrated to the public more clearly than all the arguments, our own included, hurled at the court packing plan, that the President's attempt to remodel the Supreme Court into a body subservient to his will and theories was the major bungle of a great President and an astute politician.

But possibly it may be a bungle that will prove a boon. Mr. Justice Black's refusal to give a simple yes or no to the question of whether he was or is a member of the defunct Klan has put

President very definitely in a political hole of as yet unrevealed width and depth.

The honorable justice's London run-out on reporters seeking answer to a pertinent public question is reminiscent of his silence on important issues six years ago when he was running for reelection in Alabama. Today it reveals in dramatic fashion the inherent dangers of executive short-circuiting the processes long employed in selection of the supreme bench.

If, as has been rumored, the President still entertains any thought of reviving the court issue which made a farce of the last session of Congress, "Black Week" should give him pause.

We have no misgivings about Mr. Black's ability. His elevation to the Supreme Court does not lift him beyond the vale of human error. But we have no fears that even-handed justice will suffer at his hands any more than it would at the hands of any of his associates. It is possible that pride in his appointment has blinded us to his faults but we think not. Mr. Justice Black was not lifted from the obscurity of private life. He has a record of many years in public service, the last 10 of which have been spent in the U. S. Senate, which should stand for something.

Macon, Ga., Telegraph
October 3, 1937

Out of the Mountain a Squeak

Surely no impartial person who listened in Friday night, or later read, the much-heralded "defense" of Hugo Black against charges of Klansmanship could fail to realize that, in form and substance, it was an appalling flop. After weeks of craven flight from one European capital to another to avoid a plain answer to a plain question, he engages all the radio facilities of the United States with the result that the mountain has labored and brought forth a squeak.

The newly appointed associate justice of the supreme court, in his plea of confession and avoidance, has in fact convicted himself of every charge made against him and above all others that he is totally unfit for membership on the high tribunal to which he was appointed by Mr. Roosevelt in a moment of spite and spleen.

The feeble dronings of Mr. Black revealed that he had not signed even a fake resignation since he was made a life member, and the same breath showed a Pharisaical attitude of "holier than thou" which must have revolted his most temperate listeners.

He undertook to deny a record which can-guments from which this country suffered not reasonably be impeached and at the same time, denounced that spirit of bigotry and intolerance to which he had pledged himself with an oath he promised to "seal with my blood." He forecast a revival of that racial and religious intolerance which, by his own previous confessions, had placed him in the United States senate as a stepping stone to the high office he now brings into disgrace.

We put it mildly when we say that decent minds are not impressed with the spectacle of "Satan rebuking sin."

Out of his own mouth we condemn him. It was in September, 1923, that Hugo Black put his left hand over his heart, lifted his right hand to heaven and swore his allegiance to the Klan.

In anticipation of his candidacy for the United States senate, it was on July 9, 1925 that he scribbled three lines as a gesture of

The insinuations of racial and religious intolerance made concerning me are based on the fact that I joined the Ku Klux Klan

resignation for campaign purposes. This resignation was never accepted, was never recorded on the minutes and was not known to the secretary of the Klan.

In August, 1926, he received the nomination to the United States senate. Less than 30 days from that nomination he was present at the grand "klorero" held in Birmingham when he and Bibb Graves were singled out to receive a golden passport. In presenting them the Grand Dragon explained that he wanted them to think of themselves as your FELLOW KLANSMEN in the realm of Alabama think of you. . . . I want you to think of yourselves as having been put by them before the world, for all the world to gaze upon as exponents of Klancraft, exponents of those principles of pure Americanism which the Knights of the Ku Klux Klan stand for.

The Grand Dragon continued:

It is a grand passport, and, Hugo Black a grand passport which will admit you to the society of your FELLOW KLANSMEN wherever they are to be found. These, as you will notice . . . bear no date of limitation. In other words, we, YOUR FELLOW KLANSMEN . . . would have you both realize that they are good so long as you are good.

Hugo Black tried to convince the American people Friday night that if he was present at any such meeting, he had no recollection of anything that identified him as a member. He brazenly declared that, "What appeared then, or what appears now, on the records of the organization, I DO NOT KNOW."

Let us assist the failing memory of the distinguished Klansman who has been elevated to the supreme court of the United States!

The bigotry and intolerance so notoriously the essence of Klancraft were voiced by Bibb Graves when he said, "I shall, in all the walks of life, as best I can, be a living exemplar of a WHITE MAN'S PROTESTANT CHRISTIAN AMERICANISM."

Hugo Black not only listened to all the fervid oratory in denunciation of Catholics, Jews and Negroes, but said, "I realize that I was elected by men who believe in the principles that I have sought to advocate and which are the principles of this organization." Where Klansman Graves had boasted that he would be an "exemplar of a white man's Protestant Christian Americanism," Hugo Black expressed the desire "to impress you, as the representatives of the REAL ANGLO-SAXON SENTIMENT that must and will control the destinies of the Stars and Stripes, that I want your counsel."

He asked the God of his fathers never let it be necessary in this great republic of ours "for laws fashioned after the style of those which have become necessary in Mexico, so, where for 350 years the boys and girls

doza because Cordoba is a Jew. It appears that Old Jim is at heart something of a Kluxer, as well as a bouncer.

The difference between him and Hugo is that Hugo, whatever may at one time have been a Kluxer at heart, has never despised or offended a minority, and that at all times he is polite and urbane, except when aroused. But Hugo is a sharp-tongued fellow and it has been anticipated that he will prove himself a match for Old Jim in the debates that go on in the inner-councils of the Supreme Court. Black and McReynolds could never like each other, one being a Kluxer at heart, though not in fact, and the other being a Kluxer in fact, though not at heart.

And yet when he accepted this grand passport he said, "THIS PASSPORT WHICH YOU HAVE GIVEN ME IS A SYMBOL TO ME OF THE PASSPORT WHICH YOU HAVE GIVEN ME BEFORE."

Is it not revolting to every sense of decency on the part of the American people that an appointee for the supreme court of the United States should take his place with such obvious mendacity on his lips as to deny his own words?

So he did not consider that he was still a member of the Klan when the grand "klorero" held him up as one of the two great exemplars of Klancraft!

And yet he said, "The ideals of this great fraternity to which WE BELONG are founded on the principles of that Man who taught us to love our enemies."

Before becoming a senator, says Hugo Black, "I dropped the Klan." And yet after becoming a senator, so far as ballots are concerned, he was extolling the ideals of "the great fraternity to which WE belong."

Such is the record taken officially by the Klan scribe and duly preserved in the archives.

Against this damning record which convicts Hugo Black of bigotry and intolerance he sets up the plea that he was once on terms of friendship with a member of the Jewish race!

When the landlady asked Oscar Wilde if he never ate vegetables, the exquisite Oscar replied, "Yes, Madame, I once ate a pea."

The strength of his entire defense may be judged by this ridiculous straw to which he clings.

We submit that so far from clearing himself Hugo Black has darkened the stigma which rests upon his name, and the supreme court of the United States is no place for a man so dead to all the decencies.

HUGO AND JIM

Hugo cancelled his reservation on the Manhattan and took passage on a smaller and slower boat ahead of the sailing time of the Manhattan, on which James C. McReynolds has a reservation, and some are wondering whether he did it to get home more quickly or to find greater privacy. It is an 8-day boat. Our suspicion is that Hugo didn't want to be bothered with the company of Jim McReynolds, the rough-edged plank from Tennessee.

McReynolds hates Roosevelt and is rude to him, and has also insulted Justice Cor-

No words have ever been or will ever be spoken by me, directly or indirectly, indicating that any native or foreign-born person in our free country should or could be restricted in his right to worship according to the dictates of his conscience.

I believe the character and conduct of every public servant, great and small, should be subject to the constant scrutiny of the people. This must be true if democracy serves its purpose.

Black and McReynolds could never like each other, one being a Kluxer at heart, though not in fact, and the other being a Kluxer in fact, though not at heart.

Here Are Highlights Supreme Court Justice Will Broadcast His Side Of Row From Black's Reply

WASHINGTON, Oct. 1.—(AP) Here are some sentences from the address tonight of Justice Hugo L. Black:

The constitutional safeguard to complete liberty of religious belief is a declaration of the greatest importance to the future of America as a nation of free people.

Any movement or action by any group that threatens to bring about a result inconsistent with this unrestricted individual right is a menace to freedom.

My words and acts are a matter of public record. I believe that my record as a senator refutes every implication of racial or religious intolerance.

I joined the Ku Klux Klan about 15 years ago. . . . I later resigned. I never rejoined. What appeared then, or what appears now, on the records of the organization, I do not know.

I have never considered and I do not now consider the unsolicited card given to me shortly after my nomination to the senate as a membership of any kind in the Ku Klux Klan.

Before becoming a senator I dropped the Klan. . . . I completely discontinued any association with the organization. I have never resumed it and never expect to do so.

I have no sympathy with any organization or group which, anywhere or anytime, arrogates to itself the un-American power to interfere in the slightest degree with complete religious freedom.

WASHINGTON, Sept. 30.—(AP)—Associate Justice Hugo L. Black will ask the public tomorrow night to judge his fitness for membership on the Supreme Court.

For the first time, he will reply to those who accuse him of affiliation with the Ku Klux Klan and contend that he thereby is disqualified for service upon the Nation's highest bench.

Spoken, possibly, from his chambers within the glistening marble walls of the Supreme Court building itself, his words will be carried to the distant corners of the country by the National, Columbia and Mutual Broadcasting networks.

It will be the first time a member of the court ever has delivered a radio speech of a controversial nature while in office. Never has such a speech originated from the court building.

What Black will say furnished a subject for excited speculation tonight. Will he deny the charges? Will he produce evidence that he long since severed any connection with the hooded order? Will he seek to disprove the newspaper articles saying he is a life member? These questions predominated.

He's Still Silent

As yesterday, when 60 reporters besieged him with questions upon his return from Europe, Black uttered no public word today about the Klan charges. He could not be reached at the home of Clifford Durr, a Government attorney, where he and Mrs. Black are staying temporarily. Nor did he appear at the Capitol, or court building.

A close friend of the justice said he left the Durr home early in the morning. "He wanted to be all by himself somewhere and work on his state-ment," he added.

Arrangements for the radio speech were made through Durr. Kenneth

H. Berkeley, Washington manager for the National Broadcasting Company, sent for reporters at noon and made the announcement.

The speech is scheduled to go on the air at 8:30 p.m., (Montgomery time), and while Black plans to speak for but 20 minutes a full half-hour has been reserved for him, so that if he should wish to expand his remarks a longer time will be available.

The place from which the justice speaks will not be decided until tomorrow, the broadcast official said but it might be from the Durr home from a Washington hotel, or:

"Perhaps, he may speak from his office in the Supreme Court building. He has several places in mind."

"Will he be required to submit his speech to the broadcasting company for approval in advance?" he was asked.

"No," he replied.

Ickes Has His Say

Meanwhile, Secretary Ickes had something to say regarding the Klan charges.

Asked for comment at a press conference, this administration official retorted:

"He has been appointed, hasn't he? . . . Why don't you interview former President Hoover? I really think the greatest expert on the subject of the Ku Klux Klan is Mr. Hoover. He expected Klan support and nobody criticized him."

Ickes added he was not intimating that Hoover was a Klan member.

In Kansas City, the American Bar Association, after a fiery debate, killed a proposal for an investigation of Black's appointment, but ordered a further study of a proposed declaration that membership in "secret, oath-bound" organizations is incompatible with office upon the Supreme Court.

Atlanta, Ga., Georgian
September 16, 1937

Attacks on Religious, Racial Groups Cited BLACK'S FAVOR HOLDS AT HOME

NEW YORK, Sept. 16.—Further revelations were made today of what happened at the Ku Klux Klan meeting in Birmingham, Ala., on September 2, 1926, when Associate Justice Hugo L. Black and Governor Bibb Graves were jointly made life members of the Klan and each was given a "golden passport."

The New York Times and a group of other newspapers through the United States are publishing a series of articles copyrighted by the North American Newspaper Alliance and the Pittsburgh Post-Gazette and publishing news articles around them, and today's is a description of the speeches of Graves and Black, who went into a denunciation of Catholics, Jews, foreign-born of all nationalities and American negroes.

According to further stenographic minutes of the meeting, The Times says in effect, Imperial Wizard Hiram W. Evans singled out the Jews and Catholics of New York and Chicago for ridicule and attack.

He commented on the organized votes of the Italians, the Irish and the Germans, the Catholics and the negroes in New York and spoke most unpleasantly of the Catholic vote in particular. He likened the Catholic group in New York to cattle, and said the only way to offset it was through the Klan method of organizing for American-born, white, gentile Protestant control, it is stated.

Evans is described as continuing his talk to the listeners at the Graves-Black installation and pouring more ridicule on the National Association for the Advancement of the Colored Race, with New York headquarters.

Evans said that death would result for any negro who tried to establish social equality with him, according to the quotations of the minutes which were secured by the newspaper syndicate.

Special to 1
Neighbors Like Him Despite
Charges Hurlled In
Klan 'Expose'

The Klan issue raised by opponents of Justice Hugo L. Black in New York and other sections apparently has had little or no effect on the former senator's popularity in Birmingham, his home city.

This conclusion was drawn today from conversations with men in varied walks of life — New Dealers and anti-New Dealers, those who have supported Hugo Black politically and those who have opposed him, former Klansmen and Catholics and Jews.

The "disclosures" made by Justice Black's opponents were not news in Birmingham. Most of his home folks already knew—or long ago assumed—that Hugo Black got his political start on the crest of the Ku Klux Klan wave that was sweeping Alabama a decade ago.

Some 'Dismayed'
There are many here, of course, who have delighted in seeing the Klan issue raised against the Alabamian, but this can be traced to their disagreement with the political and economic views held by the liberal Justice Black rather than to any Klan feeling.

Indeed, among those most delighted by the bone-rattling attacks are men who profess to have been in Klan meetings with Mr. Black back in '26.

On the other hand, anti-Klan groups who in the years since the once mighty "Invisible Empire" faded from power have come to find the economic and political thought of the New Deal ex-senator to their liking have not been dismayed by the Klan "disclosures."

They're Behind Him
Evidence of this was a statement issued today by Cecil W. Romei, Italian Catholic, chairman of the board of the Cosmopolitan Political Club and publicity chairman of the

Italian-American Progressive Assn. J. T. Hale, locomotive engineer, of 2816 12th-av, n: "I am and have always been 100 per cent for Hugo Black. All this stink that is being raised is just so much cheap politics."

He pointed out that the Cosmopolitan Political Club, whose members are largely of foreign extraction, recently sent Mr. Black a telegram of congratulations upon his appointment to the Supreme Court and said "the attitude of the club members 'has not been changed same class as statesmen. This one bit' by the revived Klan issue."

"The Klan question is not an issue," Mr. Romei stated. "The effort to make it an issue is just an attempt by anti-New Dealers to appeal to sectional differences and prejudices."

"Whether or not Mr. Black is a Klansman — and I don't know whether he is or not—he has proved himself capable and worthy of the support and respect of Alabamians by his fine record in the Senate."

Jews Satisfied
A prominent Birmingham Jew who declined to be quoted, termed the controversy "much ado about nothing" and said other Jews with whom he had discussed the matter expressed similar views.

"I have no doubt," he said, "that Mr. Black, like a lot of other politicians, belonged to the Klan for political expediency. I doubt seriously that such affiliation will affect him as a Supreme Court justice—but that does not mean subscribing to his appointment."

He added that other Jews he had talked with, if they were not supporters, opposed the former senator because of his economic and political views rather than any past Klan affiliation.

'Cheap Politics'
One public officeholder here who formerly belonged to the Klan but whose political views have differed with Mr. Black's in recent years, nevertheless joined with friends of the newly-appointed justice in resending injection of the Klan issue.

"I've never been a Black supporter," he said, "but I resent all this fuss they're raising in New York about his belonging to the Klan. It's just cheap politics and doesn't amount to a thing."

Another former Klansman, but a Republican, however, expressed delight at the "expose" and declared that Mr. Black "has proven himself a coward and disgraced himself in the eyes of his home folks by not having the courage to admit frankly that he belonged to the Klan."

Not Fooling Public
Interviews on the Black-Klan issue with citizens picked at random on a downtown street corner today brought the following comments:

what I said and I still mean it." Harold Cook, attorney: "Nothing but politics. The Klan issue has been raised by Senator Copeland purely for the purpose of getting votes in his race for mayor of New York. I firmly believe that Senator Black, regardless of what his affiliations might or might not have been, now has no sympathy with and nothing in common with Klan principles, particularly as they relate to bigotry and intolerance."

Up To Old Tricks

It is sad and disgusting, but in no way surprising, to find people who would profit if the Ku Klux Klan could be revived trying to turn to their own advantage the recent revelations connecting a member of the United States Supreme Court with the Klan.

Sad and disgusting, because it ought to be clearer now than ever before that Kluxism contaminates everything it touches in our national life. But not surprising, because Klan promoters have always been shameless in their commercial exploitation of intolerance.

And so come reports that Atlanta headquarters of the Klan are stirring with preparations for a campaign to re-enroll former members and enlist new ones. The imperial wizard, emerging from the seclusion where he betrays his views concerning the court and other matters. Market prospects for bed sheet robes and hoods and masks begin to look up.

Closer home, just across Red Mountain in Homewood, we hear too of ambitions to collect the old bones of the order and make them rattle again.

The women of the Ku Klux Klan, meeting in imperial klonvokation at Washington, plan to place a fiery cross and wreath on the tomb of the Unknown Soldier—an insult to the martyred American who lies there and who, for all the women of the Klan can know, may have been a Catholic, a Jew, a Negro or a youth of foreign birth.

And the grand dragon of the Pennsylvania Klan hits a new high in impudence by proclaiming at the close of a state convention that Klansmen "will support President Roosevelt four-square no matter what the outcome of the controversy over the appointment of Justice Black."

For, whatever may be said as to his wisdom in making that appointment, nothing is more certain than this—that the President has utterly no sympathy with racial and religious bigotry and asks for neither the approval nor the support of the Ku Klux Klan.

For Him 'Right Or Wrong'

Mrs. Madge Stewart, Guntersville: "The Klan issue should have no bearing on the qualifications of Mr. Black for the Supreme Court. I think it is being carried on by a group of his political enemies in the Senate who are jealous because of the rapid rise of Mr. Black. I'm for him—and more power to him!"

Not Active In Klan

R. W. Gilbert, 1121 32nd-st, n: "What if Black did once belong to the Klan? The Klan wasn't any worse than lots of the organizations which have sprung up today to fighting every principle of American democracy. I'm no Klansman but I'm for Hugo Black."

Mrs. A. C. Langner, 5609 Sixth-st: "Even if Black did belong to the Klan, which hasn't been proven, he never took an active part. I think he's a fine man—one of the best. The Klan issue died long ago."

J. A. Bryant, barber, 5212 Seventh-st, s: "There was no earthly reason for reviving the Klan issue out of its grave. I've always been for Black and a little political blast from New York won't convince me he isn't a mighty fine man and a capable official."

Business Leaders Back Black
A survey of men prominent in Birmingham business and civic affairs brought these expressions:

R. Burt Orndorff, president of the Chamber of Commerce: "The Klan issue is a dead issue and should be left alone. In my opinion it has no bearing on Black's ability as an associate justice of the court. Many who belonged to the Klan in the past now regret it and want to forget it."

Erskine Ramsay, well-known capitalist: "When Senator Black was appointed to the Supreme Court I sent him a telegram of congratulations in which I said I would congratulate him again when he was made chief justice. I meant

Text in Which Black Answers Accusers of Klan Membership

WASHINGTON, Oct. 1.—(AP)—The text of the address tonight by Associate Justice Hugo L. Black, of the supreme court:

Ladies and Gentlemen: The constitution is the supreme law of our country. The bill of rights is the heart of the constitution.

The constitutional safeguard to complete liberty of religious belief is a declaration of the greatest importance to the future of America as a nation of free people. Any movement or action by any group that threatens to bring about a result inconsistent with this unrestricted individual right is a menace to freedom.

Let me repeat: Any program, even if directed by good intention, which tends to breed or revive religious discord or antagonism, can and may spread with such rapidity as to imperil this vital constitutional protection of one of the most sacred of human rights.

EXTRAORDINARY OCCASION PROMPTS DISCUSSION

I believe that no ordinary maneuver executed for political advantage would justify a member of the supreme court in publicly discussing it. If, however, that maneuver threatens the existing peace and harmony between religious or racial groups in our country, the occasion is not an ordinary one—it is extraordinary.

During my recent absence on a short vacation abroad, a planned and concerted campaign was begun which fans the flames of prejudice and is calculated to create racial and religious hatred.

If continued, the inevitable result will be the projection of religious beliefs into a position of prime importance in political campaigns and to infect our social and business life with the poison of religious bigotry. It will bring the political religionist back into undeserved and perilous influence in affairs of government. It will elevate the least worthy of political positions because religion or race bars others from a passport. It will resurrect practices and arguments from which this country suffered sorely in the nineteen-twenties. It will revive the spirit which, in 1928, caused a national campaign to be waged largely upon

issues unworthy of a free people. It will bankrupt many business-men whose sole offense is that they have religious beliefs which do not accord with the prevailing religion in their communities. It will punish the professional man whose patients and clients boycott him, not because of lack of professional ability, but because there are in his locality few members of his faith or his race. It will again set neighbor against neighbor and turn old friends into new enemies.

BREAKS PRECEDENT TO AVERT CATASTROPHE

To contribute my part in averting such a catastrophe in this land dedicated to tolerance and freedom, I break with precedents of the past to talk with you tonight.

An effort is being made to convince the people of America that I am intolerant, and that I am prejudiced against people of the Jewish and Catholic faiths, and against members of the negro race. These insinuations are advanced despite the fact that, for the last 11 years, I have served in the senate of the United States under constant and microscopic public scrutiny.

My words and acts are a matter of public record. I believe that my record as a senator refutes every implication of racial or religious intolerance. It shows that I was of that group of liberal senators who have consistently fought for the civil, economic and religious rights of all Americans, without regard to race or creed.

The insinuations of racial and religious intolerance made concerning me are based on the fact that I joined the Ku Klux Klan about 15 years ago. I did join the Klan. I later resigned. I never rejoined. What appeared then, or what appears now, on the records of the organization, I do not know.

I never have considered and do not now consider the unsolicited card given to me shortly after my nomination to the senate as a membership of any kind in the Ku Klux Klan. I never used it. I did not even keep it.

I DROPPED THE KLAN, HAVE NEVER RESUMED IT

Before becoming a senator I dropped the Klan. I have had nothing whatever to do with it since that time. I abandoned it. I completely discontinued any association with the organization. I have never resumed it and never expect to do so.

At no meeting of any organi-

zation, social, political or fraternal, have I ever indicated the slightest departure from my steadfast faith in the unfettered right of every American to follow his conscience in matters of religion. I have no sympathy with any organization or group which they have religious beliefs which anywhere or at any time, do not accord with the prevailing religion in their communities. It is power to interfere in the slightest degree with complete religious freedom. No words have evoked him, not because of lack of professional ability, but because, directly or indirectly, indicating that any native or foreign-born person in our free country should or could be restricted in his right to worship according to the dictates of his conscience. I have supported candidates for public office without reference to their faith. In my indorsement of applicants for governmental positions, I have acted without discrimination of any kind or character.

I number among my friends many members of the colored race. I have watched the progress of its members with sympathy and admiration. Certainly they are entitled to the full measure of protection accorded to the citizenship of our country by our constitution and our laws.

CLAIMS CATHOLICS, JEWS S INTIMATE FRIENDS

Some of my best and most intimate friends are Catholics and Jews. Shortly after I moved to Birmingham, more than a quarter of a century ago, I formed one of the most valued friendships of my life with a son of Jewish faith. He was one of my closest associates and strongest political supporters. Months of our lives were spent together, much of the time in his home. He stood so nearly in the place of a father to me that while in the army in 1918 I designated this trusted Jewish friend as sole executor of my will. In my campaigns for public office his counsel and assistance were always mine. His widow, who was a guest in my home at the recent inauguration of President Roosevelt, was one of the first to congratulate me upon my nomination to be a justice of the supreme court.

When this statement is ended my discussion of the question is closed.

I believe the character and conduct of every public servant, great and small, should be subject to the constant scrutiny of the people. This must be true if a democracy serves its purpose.

It is in this spirit that I now bid those who have been listening to me good-night.

Fair Enough

By WESTBROOK PEGLER

Just What Kind Of Study Was It To Determine Black's Fitness As High Court Justice?



NEW YORK, Sept. 20.—Those of us who have tried to believe that Mr. Roosevelt was ignorant of Hugo Black's past connection with the Ku Klux Klan, disregarding the question whether he continues to be a member, will have to give it up as an impossible job of wishful thinking.

The President has sources of information which are not open to other men, and surely in appointing a justice of the Supreme Court, whatever his personal conduct may be, he must have made some investigation of his past. It is only to avoid the embarrassment of nominating someone with a police record. And it was a matter of common knowledge in Alabama that Hugo had been a Kluxer, that any inquiry at all must have informed Mr. Roosevelt of the fact.

CHOICE NOT IN LINE WITH ROOSEVELT RECORD

But that only complicates the case, because the President has a record of broad-mindedness and tolerance, and of opposition to the Ku Klux Klan at a time when it took courage to fight the Klan. On his record, it is impossible to think that in selecting Black he intended to encourage the terrorists whose viciousness he knows so well.

Then what was he thinking of? Did he regard the Klan thing as water over the dam, believing that Black had joined only as a politician, and that the people had forgotten it? This is an optimistic thought, but pretty bad even so, because it would leave us to believe that he regards a man as fit for the Supreme Court who, it is alleged, took an oath to persecute his fellow citizens merely to win a political position. There were other men editors, who were offered the same temptation but chose to fight against great odds often fraught with physical danger. There was a test of character there, and although Black plainly revealed his character, Mr. Roosevelt placed him on the court, nevertheless.

The Klan has been discredited so long that most of us have forgotten the reality of the organization from which Mr. Roosevelt has selected a man to liberalize the Supreme Court.

It has been said in extenuation that Black was not a Kluxer at heart. Against the argument that he was not a Kluxer at heart, however, there is evidence in his record that he was precisely that. And if he wasn't, his defense condemns

The Philadelphia Record Asks Black To Step Down

By United Press. PHILADELPHIA, Sept. 16.—The Philadelphia Record, a strong supporter of the Roosevelt Administration, in a front page editorial yesterday called for the resignation or presidential removal of United States Supreme Court Justice Hugo L. Black.

The Record had previously withheld editorial comment on the charge that Black was a life member of the Ku Klux Klan on grounds the accusation "is so serious" that the newspaper was making its own investigation.

Yesterday's editorial said that "the President made a grievous mistake in nominating Senator Black for the Supreme Court. It can no longer be doubted that Justice Black was a member of the Ku Klux Klan, one of the most vicious, anti-social, and un-American organizations ever to exist in this country," the editorial said. "The President and his liberal supporters can only be relieved of their grave embarrassment by the resignation of Mr. Black. If he will not resign voluntarily, then the President should insist that he step down."

INVESTIGATING JUSTICE BLACK

The present assault on Mr. Justice Black for his alleged life membership in the Ku Klux Klan might mean something were it not so obviously designed for political purposes—designed for an appeal quite as bigoted as that of the Klan itself in its heyday. We fail to see why membership in the Klan 10 or 11 years ago—it is virtually dead today despite what a "life membership" card might have specified—should ever, there is evidence in his record that he was precisely that. And if he wasn't, his defense condemns If Mr. Black is to be "investigated," we

suggest that the investigation be widened; we suggest that all Federal office-holders be connected for any connection with the Klan, or with any other secret organization which might have injected itself into politics. After all, the Klan was only one among several; it was too spectacular; it got too much publicity for its own good.—Tuscaloosa News

Academy of Klan Membership

Ladies and Gentlemen

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of America as a nation of free

10-2-31
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Let me repeat:

**XTRAORDINARY OCCASION
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step down.

A black and white portrait of a man with a mustache, wearing a suit and tie. The image is a close-up, head-and-shoulders shot, oriented horizontally. The man has dark hair and a prominent mustache. He is looking directly at the camera with a neutral expression. The background is dark and out of focus. The image has a grainy, high-contrast quality, typical of older newspaper print.

Foes Of Black Still Cling To Hope He'll Be Ousted

WASHINGTON, Oct. 5.—(P)—Many opponents of Justice Hugo Black here agreed today there is slight chance of removing the former Klansman from the Supreme Court, but they clung nevertheless to three admittedly forlorn hopes.

The first was that the court itself might hold Black ineligible for his present office under the ouster action brought yesterday by Albert Levitt, former Federal judge in the Virgin Islands.

The second was impeachment. And the third lay in the invocation of a little used legal device known as an "extraordinary writ of quo warranto."

The general expectation in the capital was that the court would dismiss the Levitt proceedings without comment when it meets again Monday, together with a similar action brought by Patrick Henry Kelly, a Boston attorney.

Both Levitt and Kelly contend that since Black was a member of the Senate which passed the Supreme Court retirement act, he comes under a constitutional ban forbidding the appointment of a senator to an office whose emoluments were increased while he was in Congress.

Washingtonians generally saw little prospect of impeachment proceedings. They doubtless will be attempted, however, when the House reconvenes.

Levitt has said that, if the court turns him down on his motion that Black be required to show cause why he should be permitted to serve on the court, he has a second course of action in mind. This may be a "quo warranto" proceeding.

The phrase means "by what right?" It is a process provided by law for preventing an individual from occupying or attempting to occupy a public office illegally. Only an "interested party" may resort to it, and it has been established that "interested parties" include only officers or agencies of the government.

However, a private citizen may request formally that the attorney general institute such proceedings. If the latter were to refuse, the citizen then could apply to the courts for a writ of mandamus compelling him to take such action.

Or, it has been suggested, the Senate could institute "quo warranto" proceedings itself, asking the courts to settle the controversy over Black's eligibility under the constitution.

The Senate once instituted such an action against George Otis Smith, seeking his removal as a member of the Federal Power Commission. It had confirmed Smith, but later voted to reconsider. President Hoover refused

THOUGHTS ON BLACK

Hugo Black is on the bench and it will take a block and tackle 1,000 feet high to get him off. It has been suggested by some Washington correspondents that if they can haze him harshly by assigning him to study cases that are particularly difficult, but this suggestion is better news now than it will be later.

In the first place, Black will probably experience no official discourtesy from his colleagues, since all of them but one are gentlemen. Most likely he will be shown every possible courtesy by every member of the court, with possibly one exception. But if the Chief Justice and some of his mates should decide to haze Hugo they may be disappointed in the end. It is quite possible that Black would welcome hard assignments.

Some of the more fat-headed enemies of Black have consistently under-rated his intellectual capacity. Any man who has somewhat ill at ease and self-conscious. Any knowledge of Black and his talents knows that Black is not a dumbbell. He knows his shortcomings, but stupidity is not among them. Any one who estimates Black's worth upon the assumption that Black is unprepared for his judicial duties himself a fool for the want of sense. Many of the attacks upon Black in recent weeks have been outrageous, even idiotic. If we live "and nothing happens," we intend, five years from this date, to recall some recent comments upon Black and compare them to the record. It is always a pleasure to expose a fool, and we love pleasure, sometimes to our sorrow.

It was proper and legitimate for the newspapers to demand an answer to their question to Hugo Black: "Were you, are you, a Klansman?" Mr. Black's resentment of the question was unfortunate and ill-considered, and his defensive implication that the reporters might not quote him correctly was absurd and regrettable. But his final answer to the question was magnificent. Mr. Black should know that he has no legitimate grievance against newspapers, he should know that the question they asked him was privileged and deserved an honest, forthright answer, which in the end he gave.

American public opinion was profoundly disturbed by the revelations which to Alabamians is old stuff. But the hostility to the new Justice was honest hostility in the main. What is of special moment and sig-

nificance is the fact that the engineers of the attack were not disturbed by the knowledge of his former Klan affiliations. They would have been as raw in their treatment of him—given the pretext—if he had been a Jew or a Roman Catholic or a Negro. They hated him because of his record as a United States Senator!

The more verminous critics were after Roosevelt, anyhow. Black happened to be a mere convenience—but what a convenience!

Even so, these critics will yet be discredited and shamed, or the faith that we have in Mr. Black's essential worth is wholly ill-founded. If Black fools The Advertiser he will be the first public official that has done so.

BLACK SHOWS UP FOR WORK

Today Hugo LaFayette Black will show up for work in the new and awesome sweatshop of the Supreme Court as the court begins its fall session. No doubt he will be somewhat ill at ease and self-conscious. Any new member would be ill at ease, but most especially one who has just emerged from the fiery furnace the like of which only Paul and Silas knew. Hugo will report, not tardily, but with a sheepish expression on his face, such as becomes one who knows the pains of flagellation—Hughes, for instance, but Brandeis, most especially.

Mr. Hughes was returned to the Supreme Court, the last time as chief justice, only after a savage debate in the Senate, while Mr. Brandeis reached the court only by the skin of his teeth, and after seven former presidents of the American Bar Association—including William Howard Taft—had formally and ponderously declared that he was "unfit" to sit on the greatest court in the world.

Brandeis today is a world figure and is commonly recognized as a great jurist. Of the seven former presidents of the American Bar Association who denounced him as "unfit", only William Howard Taft is remembered, and if Mr. Taft were living today he would be ashamed of the document that he signed.

When Theodore Roosevelt nominated Oliver Wendell Holmes for associate justice the "progressives" denounced the "corporation lawyer". It is history that Holmes lived to become a world-famous liberal jurist whose commentaries on society, economics and politics are still quoted by the mooniest of current liberals.

All of which is somewhat beside the

point. We were saying that the scared boy from Clay county will show up for work today and ask for an assignment. The Advertiser would enjoy reading a vivid account of the scene. But it cannot be present. It can only guess at what will take place.

In its fancy The Advertiser sees the suave, tactful, good-humored Hughes extending a cordial hand and showing the cub every possible courtesy; Mr. Brandeis and Mr. Cardozo, cynical but gracious and sympathetic, will be cordial. Roberts and Butler will be polite, but their hands will be clammy. Stone will be jovial.

Mr. McReynolds will probably be snooty and cold. He would be entirely out of character if he should be gracious to a colleague whose philosophy is not similar to his own. But he may be cautious, for he must have heard that Black has as sharp a tongue as he. Mr. McReynolds will soon learn that he cannot bully Black—then will come a great reddening of his face.

There will be nothing more from Mr. Roosevelt about Black. He will not demand Black's resignation. He will have no more to say. Only free lance writers and those politicians who have dull axes to put in better condition will have anything more to say. The Black Episode is dead, and soon we shall hear no more of it.

But we do hope some bright reporter will write an adequate pen picture of Hugo in the first week of his experience on the Supreme Court. The scope of our vanity is such that we wish to know whether in the foregoing remarks we have appeared to advantage as a prophet. Besides, we just naturally love gossip.

Court Delays

Action Upon Black Ouster

Alabamian Takes Place Upon High Tribunal, Ignoring Levitt Suit

WASHINGTON, Oct. 4.—(AP)—Justice Hugo L. Black unsparingly took his place at the majestic mahogany bench of the Supreme Court today and, staring straight ahead, heard his colleagues postpone action on a motion designed to unseat him.

With a minimum of words, Albert Levitt, former Federal judge for the Virgin Islands, informed the tribunal he had filed a motion asking permission to challenge Black's eligibility on constitutional grounds.

"You may submit the papers," Chief Justice Hughes replied.

Patrick Henry Kelly, angular and insistent Boston attorney, also attempted to address the court on a second and similar motion, but desisted at Hughes's request and submitted his motion in writing to Elmore J. Cropley, the clerk of the court.

Both motions were separate and distinct from the controversy over Black's admitted former membership in the Ku Klux Klan, which brought a crowd that filled every cranny of the courtroom and overflowed into long queues in the corridors outside.

Levitt contends that under the law the retirement last June of Associate Justice Willis Van Devanter, whom Black was appointed to succeed, created no vacancy. He also argues that, even if a vacancy exists, Black is ineligible because he was a member of the Senate which passed the retirement act, permitting justices to retire at full salary.

Kelly told reporters he went farther than Levitt. He said his contention was that the retirement act is "clearly unconstitutional," and that, if the court upholds his view, Van Devanter "must return to the bench and Black go off."

The entire proceedings, beginning the Court's new term, were brief. They required hardly an hour, and most of that time was spent admitting several score new members to practice before the Court.

Promptly at noon, and to the accompaniment of the traditional "Oyes, oyes", the white curtains behind the bench parted. Hughes stepped from the center, alone, followed after an interval by Associate Justices McReynolds and Brandeis. Justices Butler, Stone and Cardozo entered from the left, and Justice Black solemnly filed in after Justices Sutherland and Roberts from the right.

He sat, as new Justices always do, at the extreme right of the Court. He slouched down in his chair and then hunched his shoulders around as if seeking a comfortable spot in the chair's broad expanse.

Then, with hands folded before him, he glanced down at Mrs. Black, seated nearby, and began looking sharply from one side to the other.

As soon as the jurists were seated, Chief Justice Hughes announced:

"Hugo L. Black, a former member of the Senate, has been nominated by the President for the office of associate justice of this Court. His nomination has been confirmed by the Senate, and he has presented his commission, which will be filed. He has heretofore taken the oath prescribed by law."

Hughes called next for motions for admission to the bar, and they followed in what seemed interminable succession to those who were eagerly curious as to what disposition would be made of the Levitt motion. But there was one interruption.

"Mr. Chief Justice, I want to introduce myself to the court," Kelly began. "I am Patrick Henry Kelly of Boston—"

"Are you moving an admission to the bar?" Hughes asked.

"No. I want to ask the court a question."

"You are out of order, the court is receiving applications for admission to the bar."

Kelly subsided. When the new members of the bar had all taken the oath, the time came for motions. Levitt arose. Black turned and scrutinized him carefully for a moment, then looked directly ahead of him until Levitt's business had been transacted. Kelly soon was up again.

"I arise to the question of personal privilege as a member of this bar," he said.

"Is your motion in writing?" Hughes asked.

"It is not in writing," he replied, adding, however, that he had written to each member of the court about it.

"Please put the motion in writing and submit it," said Hughes, with a trace of sharpness. "Oral statements are not permitted on a motion of that character."

"This situation is such that the technicalities should not—"

"You may take your seat."

"I will write out my motion."

"Submit it to the clerk and it will be considered by the court," Hughes said, ending the session.

That was the end of the session, and after Hughes had announced a recess until next Monday the court arose. As the justices filed out, Black smiled for the first time a broad grin, apparently evoked by something Justice Roberts had said to him.

Reporters flocked about Kelly afterward. He said he had asked for "a hearing on the title of Justice Black to sit on this court." He was challenging the constitutionality of the Retirement Act, he said.

"Congress had no right to pass it," he added, "and if that is true, Justice Van Devanter will have to go back on the bench and Justice Black will go off."

Levitt said everything had gone just as he expected.

"Mr. Black's credentials were received at face value," he said. "The court has taken jurisdiction over the matter and it will be in due time give an opinion, my acceptance of which as a definite opinion will depend entirely upon its character and the reasons they adduce to support it."

Black Case Ruling May Be Revealed

Supreme Court Seems To Have Decided As To Taking Up Foes' Suits

Word Due Monday

Withdrawal Of Alabamian Indicates Action Against Nomination Up In Parley

By JAMES W. DOUTHAT

WASHINGTON, Oct. 9.—(AP)—

There were strong indications tonight that the Supreme Court decided this afternoon whether to permit further proceedings on two challenges of Justice Hugo L. Black's title to his position on the tribunal.

This belief among legal experts was bolstered by the fact that Black emerged from a secret conference of the justices long before the meeting was over. This indicated that he excused himself while his colleagues discussed his eligibility to serve on the bench.

If an agreement was reached, an announcement will be made Monday.

Two conferences were held earlier in the week. Black remained at both until the end.

Chief Justice Charles Evans Hughes, who began his judicial career 27 years ago tomorrow, presided over this afternoon's meeting. The justices completed action on approximately 300 petitions filed during the 4-month Summer recess.

They included litigation involving to some extent six Roosevelt administration laws.

Black, who took his seat last Monday, still remained secretive about his goings and comings and his office continued to reject telephone calls.

Two Challenge Right

Challengers of his right to sit or the bench were Albert Levitt, former federal judge in the Virgin Islands, and Patrick Henry Kelly, Boston attorney.

They contended that the retirement of Justice Willis van Devanter, whom Black succeeded, did not create a vacancy and that he must resign before Black could be legally appointed. Van Devanter still is subject to duty on lower courts.

In addition, Levitt argued that Black was constitutionally ineligible because he was a member of the Senate which boosted the "emoluments"

of justices by permitting them to retire at full pay after becoming 70 and serving ten years.

Neither mentioned Black's former membership in the Ku Klux Klan, the subject of a radio address he delivered soon after his return from a European vacation.

Speculation was widespread in the capital as to whether the new justice had discussed, or planned to discuss, this question with President Roosevelt.

Action on the petitions Monday will consist of only one word—"denied" or "granted." If they are denied, the decisions of the lower courts remain in effect. If granted, there will be arguments followed by formal opinions.

Had Chief Justice Hughes taken time for reminiscences at this afternoon's conference, he could have given his associates first-hand information about many historic events in which he had participated during his 75 years.

It was on October 10, 1910, that he began his duties as associate justice after serving two terms as governor of New York. He resigned from the court six years later to make an unsuccessful race as the Republican nominee for president.

For four years he was Secretary of State under Presidents Harding and Coolidge and in 1930 President Hoover appointed him chief justice.

Has Written Many Opinions

Since then he has written more important opinions than any other chief justice since John Marshall presided over the tribunal from 1801 to 1835.

He wrote opinions sustaining constitutionality of the Wagner Labor Relations Act as applied to three manufacturing companies, upholding the administration's effort to bar payment of obligations in gold, approved sale of transmission lines by the Alabama Power Company to the Tennessee Valley Authority, held constitutional legislation barring shipment of prison-made goods into States that prohibit their sale and sustained the Treasury's attempt to prevent the recovery of processing taxes paid under the invalidated agricultural adjustment act unless the taxpayer proved that he bore the cost.

Other new deal opinions he wrote declared unconstitutional the national industrial recovery act and the administration's attempt to regulate interstate shipment of oil produced in excess of State quotas.

In addition, he prepared the majority opinion holding constitutional the Washington law fixing minimum wages for women. This decision reversed previous rulings of the court.

Hughes has voted for the administration on its litigation 18 times and against it nine times.

Klu Klux Klan-1937

D.C.

Ku Klux Whites Ask Wrong One To Join Klansmen

WASHINGTON, D. C., April 23.—Because he had the same name as a former Washington police officer, under-cover workers for the erstwhile Ku Klux contacted a Race citizen through medium of a letter.

This citizen, whom the secret representative had mistaken as being a "right guy" received a letter last week notifying him of a meeting scheduled for Friday night, April 16, in the 800 block of 20th street, Northwest.

Klan Commits Error In Mailing Missive

WASHINGTON, April 21.—Sometimes a mix-up in names sends mail to the wrong person. Such is the case with the local Ku Klux Klan, which sent out letters last week calling for a meeting for last Friday night.

A letter intended for a white man here by the name of "Thomas C. Bragg" was received by a colored man with those initials and name, who lives on Fifth street, N. W.

There used to be a policeman here by the name of Thomas C. Bragg, but the telephone directory only lists one Bragg by the name of Thomas and his initials are Thomas C. R. Bragg. Not knowing this Mr. Bragg very well, W. S. Parsons, whose name appeared on the upper left-hand corner of the envelope, giving his address as 1456 Twenty-first street, N. W., sent Mr. Bragg the following letter:

"Kapitol Provisional Klan of Washington, D. C., hereby invites you to attend an invitational meeting to be held on Friday, April 16, beginning at 8 p.m. at Friendship Lodge Hall 322 Twentieth street, N. W."

"This invitation is sent to you because you have been vouched for by a member as being worthy of the high honor of membership with us."

"Most certainly you must realize the mighty need for an order to promote the best interest of white, Gentile, Protestant, patriotic citizens within our nation, in this day when alien organizations and descendants of the African tribes are driving forward to accomplish their objectives."

"Do not be deceived by the false and slanderous statements made about us in the press and on the ra-

dio. Come out to this meeting and learn the truth!!

"We have planned an interesting and instructive program, including prominent speakers and music."

"The price of liberty is eternal vigilance."

Mr. Bragg is a real estate dealer and is a member of the Republican State Committee of the District of Columbia. He was formerly in the insurance business here.

Ku Klux Klan - 1937

Europe

U. S. Nazis to Join Ku Klux

Hope to Ship All Col-
ored People Back to
Africa.

NEW YORK — White-robed Klansmen, whose forces are increasing daily, today have found new allies in the American ver-ca. And the day is coming when the "chosen people" of a world Resigned to cruelty.

er, had this to say of race relations in the United States:

Attacks Passing

"Today we have 12,000,000 Negroes and 8,000,000 mulattos in this country. And like the 4 per cent Jewish population, their blood is constantly slipping into the veins of the white man.

"This evil must be abolished. The 'n——' must be shipped back to Africa, from where he came and where he belongs.

'The Day Is Coming'

"National socialism will restore complete white race to America. And the day is coming when the Bund specifies membership is open to American citizens or prospective citizens "of Aryan descent and free of Jewish or colored infusion." The Klan's objects are to "unite white male persons, native-born Gentile citizens of the United States."

Herman Schwargman, head of the Astoria fund, has this praise for the Klan:

Klan Getting Bigger

"The Ku Klux Klan, although not so strong just now, is getting bigger. The only trouble with them is that they are against almost everything. But they have some good ideas and might become very helpful.

"They are against the Jews and that is important, because we want to unite all the organizations against the Jews in building up a strong third party under Newton Jenkins of Chicago."

Fritz Kuhn is the national leader of the American Nazis, and his legions parade in brown shirts like their homeland counterparts, heil Hitler, and carry the swastika banner.

They publish and sell Nazi literature aimed principally at Jews, although they make no bones of Catholics and colored groups.

Would Force Migration

While not rigidly opposed to Catholics who have not denounced the rule of Chancellor Hitler, the Amerika-deutscher Bund, leading organization of Nazis here, is committed firmly to the policy of reducing colored people and Jews to the lowest status.

One of the aims expressed by the Nazis here is driving all colored people back to Africa.

Both organizations are arrayed against Communists and the CIO. While Klansmen (who decline to admit any connection with the Nazis) are branding John L. Lewis's growing labor organization as a foreign tool. The Bund leaders also accuse the CIO of being inspired in Moscow.

In a recent speech here, E. Schwenck, Bund storm troop-

Here is a translation of a poem from the Nazi primer:

THE ETERNAL JEW

When Jesus Christ came here to die
He chose the wicked Jew
To torture and to murder Him
As only Jews could do.

And so the Jews have always thought
That thus they came to be
The "chosen people" of a world
Resigned to cruelty.

Now, as the burden of the cross
Became too much to bear
The Lord beheld a doorstep small
And sought to linger there.

When instantly appeared a Jew
Who would not let Him stay,
But shouting out the vilest oaths
He drove the Lord away.
For this the wretched Jew was cursed
And by the Lord's decree
Compelled to roam about the earth
For all eternity.

This wandering Jew and all the Jews
Have wandered day and night;
Two thousand years without a home,
Two thousand years in flight.

The wandering Jew sneaks like a crook
Through city and through town,
With every form of crime and shame
To weigh his shoulders down.

He has been seen in Hamburg and
In Denmark and Berlin;
In Dresden and in Danzig and
In Paris he has been.

Believe it, children, you will find
Him sneaking here and there,
He hides himself in every Jew,
He is most everywhere.

He sneaks just like a slinking fox,
So, children, be on guard:
The wandering Jew is dangerous,
Cruel, cold and hard.

'HOODED MEN' HELD POWER IN EUROPE

Counterpart of Ku Klux Klan
Believed to Have 30,000

Members in Paris

BELGIUM, ITALY INCLUDED

Members Arranged in Groups of
12, With a Leader for Each
'Dozen' in Organization

Wireless to THE NEW YORK TIMES.

PARIS, Sept. 18.—Searches of houses took place in numerous localities in France yesterday as police followed up arrests made Thursday of four members of a secret society called "Hooded Men," which is the French counterpart of the Ku Klux Klan.

While no new arrests have been made, police admit they have seized important documents in Nice bearing upon anti-Jewish and anti-Catholic activities by members of the association.

That "Hooded Men" is a large, well-organized body counting 30,000 adherents in Paris alone and with ramifications in Belgium and Italy seems borne out by what authorities have thus far let leak out. Members appear to have been arranged into groups of twelve with a leader for each "dozen." Each leader or at least one member of his "dozen" owns a car, which is placed at the disposal of the movement.

It is alleged these cars were so fitted up as to permit arms smuggling across frontiers by specially arranged secret compartments, double floors and sides.

The "klan" recruited members from all parties, but discipline was iron-clad. Two adherents are known to have disappeared." The body of one was found in a sewer on the Italian Riviera last February.

Grilling of members in custody may soon establish to what extent the "Hooded Men" have been copied after the Ku Klux Klan in the United States beyond being hooded, anti-Jewish and anti-Catholic.

FLORIDA KLAN HAS MEMBERS 16 YEARS OLD

Call
Imperial Wizard Says Jacksonville Has 'Best Record' in Country

10-1-37
Fiery Cross Warns Black Story Author

PITTSBURGH.—(ANP)—The Ku Klux Klan apparently took official notice of the recent expose linking Alabama's Senator Black with the hooded order, when, early Friday morning a big fiery cross was set ablaze near the farm home of Ray Sprigle, Pittsburgh newsman who unearthed the data and wrote the series of articles assailing the Supreme Court Justice with the Klan.

Beside the cross stood a wooden pillar on which was painted the warning: "Kastigate the Kamous Kalamunator Ray Sprigle." The newsman was not at home at the time of the incident and his wife likewise was unaware of the demonstration.

JACKSONVILLE, Fla.—This city is credited by Hiram W. Evans, imperial wizard of the Knights of the Ku Klux Klan, with having the "best record" of any city in the country, according to W. W. Chaplin, who is here reporting on the revival of the Klan for the International News Service.

In a copyrighted article, Chaplin says that the youth of Florida, boys and girls from 16 years and up, is being recruited in a mammoth drive of the Ku Klux Klan largely directed by the 21-year-old son of the state's grand dragon.

Chaplin said that he came here because the imperial wizard and Jacksonville's record was the best and that the Klan was booming throughout the state.

"I found he was not exaggerating and that the following facts are true:"

"Jacksonville, Tampa, and Daytona are all hot spots of Klan strength, the estimated Klan vote here and in other cities showing increased strength in comparison to their population.

32 New Klans

"Of the State's 67 counties, 65

have been organized by the Klan. "Both public and private life of the State is infiltrated with Klan membership.

"Kleagles are at work throughout the State signing up men, women, boys and girls, and 32 new Klans have been established since the first of the year.

"The Klan is openly boastful of its strength and scornful of the possibility of any governmental curb.

Call
"I called on Captain George Garcia, grand dragon of the Klan Realm of Florida and found him conferring in his downtown office with his son, Frank.

"Capt. Garcia, avowed State leader of the hooded knights, is on the State payroll as a State prison camp inspector. During the three days each week he devotes to his official job, the Klan organization work routine is carried on by his son, who was not born when the Klan was founded in Georgia in 1915.

"Capt. Garcia, a dark complexioned man with a brush of white hair, told me:

Call
"Klan Is Booming"

"The Klan is booming here and it will grow similarly in other places. It almost died in Alabama, and is largely inactive there now, but Dr. Evans has asked me to reorganize the State as imperial emissary, and I shall probably accept the job.

Miss
"The Klan is strong and we would welcome an official investigation. If there is a Congressional inquiry we can spread on the record just what the Klan is accomplishing and what it stands for. We have nothing to conceal though of course we keep the secrets of the organization."

"Almost in the next breath the dragon mentioned that Klan secrecy rules would forbid him from telling that anyone else was a member.

"With parental pride the captain told how he had planned to send his son to college when he finished high school but the youth insisted on entering Klan work instead. Now he is "State Propagation officer," in charge of organizing new Klans with particular reference to boys and girls.

Miss
"Youth Want to Join"

"The youth himself, speaking with the voice of an experienced organizer and public speaker, told me:

"The young people of Florida are coming into the Klan because they want to. They approve our aims of white Protestant American supremacy and think we have found the means of assuring it. They're coming in and they're taking an active part in Klan activities. This movement will spread to other States and bring new life to the Klan throughout the country."

"The present Klan outlook on racial matters may be illustrated by an incident Capt. Garcia told me about which happened while he inspected prison camps. A Negro prisoner who had reviled a

guard was locked up in the "box," the barred, bread-and-water crate just long enough to lie down in and used for solitary confinement.

"The insulted guard had lost his temper and beaten the prisoner with a hose. He was discharged. Capt. Garcia protested the discharge to the camp "captain" who asked what he should have done. Captain Garcia told me he replied: "If it had been me I would have suspended that guard for one month. And I would have told him he was suspended not for striking the Negro, who used those terrible epithets, but because he did not deal more severely with him."

"That, through its official leader in the Sovereign State of Florida is the official attitude of the Ku Klux Klan, now being reborn here through the driving energy of Capt. Garcia and his son."

Constitution
KLAN-CLAD RAIDERS
WARN NIGHT CLUB

11-12-37
Gaiety Spot Remains Closed
Despite Plans to Defy
Shut-Down Order.

MIAMI, Fla., Nov. 16.—(P)—Al Youst's La Paloma Club, closed last night by raiders in Ku Klux Klan regalia, remained shut tonight despite his earlier plans for the usual show.

Sheriff D. C. Coleman said he considered the noisy resort beyond the city limits "a menace," and "I am going to do everything in my power within the law to keep the place closed."

Employees said Youst had called a meeting of waiters, barkeepers and entertainers for tomorrow at which he was to explain his future plans.

The white-robed raiders burned a fiery cross, compelled the patrons to leave and ordered the place closed. Youst charged they stole \$360, a watch and seven rifles from his house in the rear, choked three girl entertainers, manhandled the waiters and smashed furniture. He was not there at the time.

The grand dragon of the Florida klan, Captain George J. Garcia, at Jacksonville, said the head of the Miami klan told him by telephone the charges were "unmitigated lies."

Miami Klan Offers Aid To Curb Negroes

MIAMI, FLA., Jan. 14.—(AP)—Charging negroes had manhandled white men in the negro district and molested white women in their homes, Grand Dragon George J. Garcia, of the Ku Klux Klan, said today "klansmen thought it had become high time to offer their assistance."

He expressed his views in a letter to The Daily News reporting his investigation of communications signed by a local klan chapter which were sent to the city commissioners last month. He held the action "thoroughly justified."

The letters demanded a referendum election on petitions to abolish the post of public safety director held by Andrew J. Kavanaugh, former president of the International Police Chiefs Association, and a stronger curb on gambling and warned that vigilance committees would be formed to police the negro district if authorities failed to act.

"While the letter was a little crude," Garcia wrote, "the intent and purpose was fully justifiable as all official reports will show. In other words, the klansmen of Miami only meant that they stood ready and willing to aid and assist the authorities...."

Garcia, head of the klan in Florida, said the investigation was made by "the grand titan of the fifth province, which includes Miami."

Kavanaugh came here about a year and a half ago from Rochester, N. Y.

FLORIDA TO PROBE BLACK KLAN CHARGE

Michigan Man Sought as
Witness in Flogging

TAMPA, Fla., Feb. 18.—(UP)—Sensational charges of "Black Legion conditions" in Tampa, made in a Michigan newspaper by a winter visitor, tonight brought a demand he be subpoenaed in the Florida flogging cases.

The charges were made by Maurice MacMahon, of Detroit, visitor at Miami, in a letter published in the Highland Park, Detroit suburban newspaper.

State's Attorney Rex Farrior announced tonight he is seeking to locate MacMahon to subpoena him as a witness when the flogging case is reopened in April.

The case will be reopened for trial of manslaughter charges growing out of the death of Joseph Shoemaker.

Socialist organizer, who was flogged to death on the night of November 30, 1935. Five former Tampa policemen are under prison sentences on conviction of abduction in connection with the case.

The Klan in Florida

IT WOULD be hard to designate any one of several states as the most backward in the union, but certainly Florida is a chief contender. The news, therefore, that the Klan is on the warpath again in The Land of Flowers is alarming but not astonishing. The Workers' Defense League through one of its representatives, has made public recent Klan activities and charges that the city of Tampa (where Joseph Shoemaker, a labor organizer, was kidnaped and flogged to death) is virtually run by the knights of the sheet and the pillowcase. "Last February 23," the League charges, "a group of four hundred Klansmen in full regalia initiated one hundred new members, and the ceremony was held in Lowry Park, city owned property." The League's Mr. McAllister produced a clipping from a Tampa newspaper showing Klan members in full uniform. "City officials," said Mr. McAllister, "gave permission to the Klan to use the park. The Klansmen posted guards at all entrances and permitted only their own members to enter during the ceremony. Everybody in Tampa knows that you cannot work for the city without belonging to the Klan. Firemen, clerks and policemen are all Klan members." Tampa is not the only place in Florida, Mr. McAllister continued, where the Klan is at work. Near Miami, during recent months, many beaches have put up signs, "For Gentiles Only," and in various parts of Florida, as independent observers have noticed, there are signs that read: "Negroes Keep Out—KKK." Miami, also, has passed an ordinance forbidding Negro mechanics to work in the white areas of the city. This ordinance, according to Mr. McAllister, was backed by the Building Trades Council, which does not admit Negroes to membership in Miami. It is obvious—as it has been obvious ever since the Tampa floggings—that the Florida officials lack both the integrity and the courage to suppress, or even to investigate, the activities of the hoodlums and gangsters who seem to be bringing the entire state under their domination.

5 WIN NEW TRIAL

IN FLOGGING CASE

Florida High Court Reverses
Conviction of Tampa
Policemen

TALLAHASSEE, Fla., July 1.—(AP)—Five former Tampa policemen sentenced to four years' imprisonment for kidnaping Eugene F. Poulnot in the celebrated Shoemaker flogging case, won a new trial in a supreme court decision today.

The court reversed their conviction in Polk county criminal court to which the trial was transferred when defense counsel contended an inflamed public sentiment made a fair and impartial trial impossible in Tampa.

The decision followed by a few days a request from the Committee for the Defense of Civil Liberties in Tampa for Governor Cone to investigate the case "to see if justice has been wilfully obstructed." The case was heard by the supreme court on appeal last December.

The defendants are C. A. Brown Jr., Sam E. Crosby, John P. Bridges, F. W. Switzer and C. W. Carlisle.

Poulnot was kidnaped from the street in front of Tampa police headquarters on November 30, 1935, along with Joseph Shoemaker and Sam Rogers, unemployed workers' organizers, when they were released after police arrested them and brought them in for questioning about alleged Communist activities.

The three men were taken to a wooded section outside the city and flogged. Shoemaker died from his injuries December 9, but Poulnot and Rogers recovered.

St. Petersburg, Fla., Times
July 20, 1937

NOEL ACCUSED

OF APPEALING

FOR NEGRO AID

Later he said the Klan had learned from reliable sources that Chief of Police R. H. Noel and Detective Capt. E. E. Lippard had appeared July 6 and again July 9 before gatherings of negroes at the Negro Elks' club, urging support by negro voters of the present civil service act. He added it was common knowledge throughout the city that the police chief had made a verbal promise, if the present law is upheld, to appoint two negro policemen for the patrolling of the city's black belt.

March Called Protest Against
Negro Registrations to
'Kill White Vote'

By ROMNEY WHEELER

More than 200 Knights of the Ku Klux Klan, appearing here in robes and hoods for the first time in more than a decade, marched silently through the southside of the city last night in grim protest against purported attempts by supporters of the city's present civil service act to rally the negro vote for its retention in today's civil service referendum.

The white-garbed procession wound its way in a circuitous route through the negro area, which includes a large part of the city's sixth precinct. Hundreds of sputtering red flares lent an eerie glow to the march.

As the climax of the demonstration, flames from two 15-foot fiery crosses leaped skyward, one in front of a garage on Fourth avenue south near Ninth street, where the Klan gathered, and the second in front of the home of Charlie Williams, alleged negro bolita king, at First avenue south at the A. C. L. crossing.

Williams assertedly is the one who ordered negroes to go to city hall and register for the election. A 31 per cent increase in negro registrations resulted.

White Man's City, Says Leader

The Grand Cyclops, head of the local unit of the Ku Klux Klan, said last night: "This demonstration is in protest of the recent negro registrations to kill the white vote, and of the rumored close connection of some of our high police officials with the negro gambler."

This is a white man's city. Let's keep it so."

Noel Denies Charge

Questioned later last night, Chief Noel vigorously denied the charge.

"It's a lie," he shouted. "The Klan or any other organization that says that is misinformed. I never addressed any gathering, white, black, blue or red. I wouldn't address the negroes on anything."

"Can you speak also for Capt. Lippard?" he was asked. "Yes, I'll speak for Capt. Lippard, too," he replied belligerently.

Silence prevailed in the negro district as the Klansmen marched through. From doors, overhead balconies and from alleyways, members of the city's black belt peered at the white-clad, hooded throng. But there was little talking; less laughter.

The marchers formed on Fifth avenue south at Ninth street and proceeded west to Sixteenth street. Coming up Ninth avenue south, a young negro came too near the procession.

"Better get along home," warned a Klansman.

"Yessuh, yessuh," replied the negro. "I'se going right now." And he scuttled away into the darkness.

"Is This Judgement Day?"

Farther along the route, a small negro inquired plaintively:

"Is this judgement day?"

At one point in the march white-garbed members of a negro church choir stood in a doorway and gazed at the Klansmen. They jostled nervously, but made no sound. Inside a piano banged tinnily.

On the street only the sound of muffled marching, marching, marching. Clipped commands from the procession leader. Sputtering of red flares. Occasional squeaking of automobile brakes.

And over the negro district, silence.

The Klan is marching.

For the first time in 10 years.

To Identify Negro Voters

Will there be a heavy negro vote in District 6 and District 2 today?

Klan leaders said they will know. Two men—not necessarily Klansmen—will be stationed at each of the two polling places, they said. They will note the name, and snap a photograph of each negro who votes. They will not interfere in any way with the negro's right to exercise his franchise, if he chooses.

But they will know.

Last night, a spokesman for the Klan said: "Our organization is for Americanism. And using the negro vote for personal gain has no part in our conception of Americanism. We supported the new general civil service law when it was before the legislature. We believe it is a good law for St. Petersburg, and we hope to see it adopted."

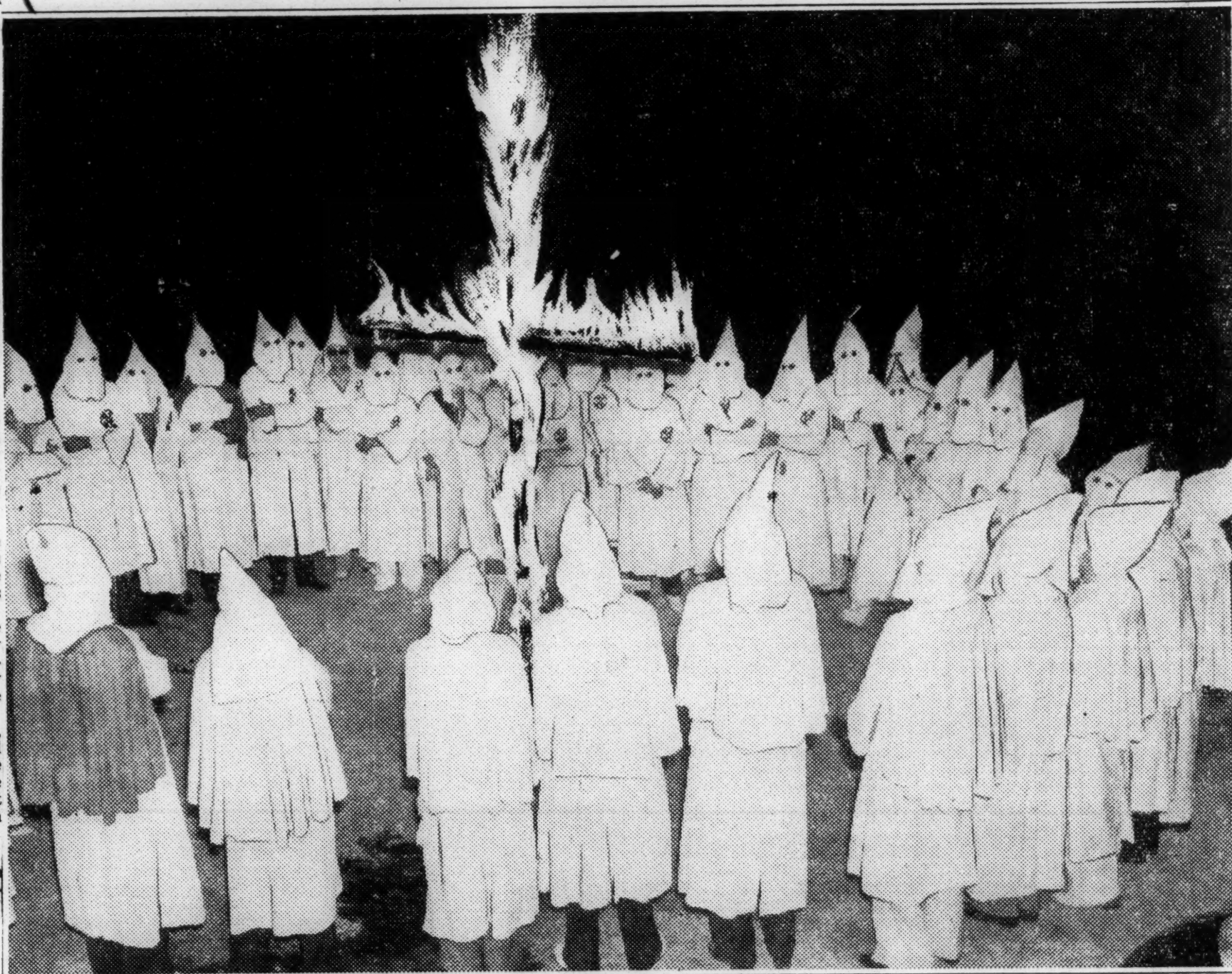
Delegations from Sarasota, Bradenton, Tampa, Lakeland and Clearwater took part in the march, and Klansmen said the Great Titan of the west coast province, with headquarters in Tampa, was an honor guest.

Travel organizations in South Africa plan to spend \$400,000 annually to attract tourists.

St. Petersburg, Fla., Times

July 20, 1937

Grim Klansmen Watch Giant Cross Burn



More than 200 Knights of the Ku Klux Klan climaxed their march through the southside negro district last night with the burning of two giant crosses, one in front of their meeting place on Fourth avenue south, near Ninth street, and the other in front of the home of Charlie Williams, alleged negro bolita king. Members of the Klan, hooded and robed for the first time in a decade, are shown above as they watched the flaming cross near Ninth street. Other picture on page 3.

Ku Klux Klan - 1937

Two Hundred Masked Klansman Stage Bloody Raid In Florida

LIVE OAK, Fla., Oct. 7—More than a score of persons are nursing injuries here following a bloody raid staged on the colored residential and business section Saturday night by a mob of 200 masked white men who rode into town about 10:30 and indiscriminately beat men, women and children and destroyed property until early Sunday morning.

Among those injured were John D. Baker whose jaw was broken and Mrs. Lattie Miller who was beaten out of her senses with an axe handle.

Stores owned by colored merchants were demolished after the merchandise had been stolen.

Live Oak is situated on the Suwannee river, the town made famous by Stephen Foster. It is 20 miles from the birthplace of Gov. Fred Cone.

Monday, colored citizens protested to Mayor Bivens against the Klan raid. He was not interested.

Kluxers Disavow Blame For Death

BARTOW, FLA., Oct. 3.—(P)—The Tampa flogging case in which eight men, five of them former officers, are accused of causing the death of a labor organizer in a tar and feather incident, comes to court a second time this week with the Ku Klux Klan publicly disavowing any connection with it.

Capt. George J. Garcia, grand dragon of the Florida realm, said at Jacksonville today the Klan not only had nothing to do with the whipping of the three labor organizers but had contributed no money to the defense of the eight men, who were charged Wednesday with second-degree murder.

They are accused of killing Joseph Shoemaker, big Vermont Socialist leader who died of burns and other injuries. Eugene F. Poulnot, State chairman of the Workers Alliance, and Dr. Samuel Rogers were the other victims of the flogging.

Rumors of Klan participation in the flogging had circulated frequently in the citrus belt.

"If the Tampa officers had asked us to help them in any situation in which the laws were being violated," Garcia said, "we would gladly serve as deputies. But the Tampa klavern could not take such an unusual action as a flogging without consulting me."

"We do not believe in taking the law in our own hands," Garcia said.

Klan Denies Any Part in Flogging Murder; Replies to Rumors on Eve of Florida Trial

State Supreme Court reversed this. Dean, Spivey and Gillian have not been tried before.

The three flogging victims and some associates were forming a third-party organization for a municipal election when policemen took them to headquarters for questioning about suspected Communist activities. As they left the police station the three were abducted, whipped and tarred.

Captain George J. Garcia, Grand Dragon of the Florida Realm, said at Jacksonville today that the Klan not only had nothing to do with the whipping of the three labor organizers but had contributed no money to the defense of the eight men to be tried here Wednesday on a second-degree murder charge.

The men are accused of killing Joseph Shoemaker, Socialist leader, labor organizer in a tar and feather incident, comes to court a second time this week with the Ku Klux Klan chairman of the Workers Alliance, publicly disavowing any connection and Dr. Samuel Rogers were the other victims of the flogging.

Rumors of Klan participation in the flogging had circulated frequently in the citrus belt. Captain Garcia in taking cognizance of these made the first official statement for the Klan, saying:

"The matter was not discussed either by the national, the State or the local organization."

"If the Tampa officers had asked us to help them in any situation in which the laws were being violated we would gladly serve as deputies. But the Tampa Klavern could not take such an unusual action as a flogging without consulting me."

"We do not believe in taking the law in our own hands."

Those facing the second-degree murder charge are C. A. Brown Jr., Sam E. Crosby, F. W. Switzer, C. W. Carlisle, John P. Bridges, James Dean, Ed Spivey and A. F. Gillian.

The first five, former Tampa officers, were convicted in June, 1936, of kidnapping Poulnot and were sentenced to four years, but the

State Supreme Court reversed this. Dean, Spivey and Gillian have not been tried before.

The three flogging victims and some associates were forming a third-party organization for a municipal election when policemen took them to headquarters for questioning about suspected Communist activities. As they left the police station the three were abducted, whipped and tarred.

KLAVN DENIES LINK TO TAMPA FLOGGING

Case Goes to Court Again This Week

BARTOW, Fla., Oct. 3.—(P)—The Tampa triple flogging of 1935 goes to court for a second time this week with the Ku Klux Klan, spotlighted by the controversy over Justice Hugo L. Black, publicly disavowing any connection with it.

Captain Garcia, grand dragon of the Florida realm, said at Jacksonville today the Klan had nothing to do with the whipping and tarring of the three labor organizers and had contributed no money to the defense of the eight men who go on trial here Wednesday for second-degree murder.

They are accused of killing Joseph Shoemaker, strapping Vermont socialist leader who died in a hospital of burns and other injuries. Eugene F. Poulnot, state chairman of the Workers' Alliance, organization of WPA workers, and Dr. Samuel Rogers were the other victims.



THAT THE KLAN is not dead, though a Klansman is, may be inferred from this scene at St. Petersburg in Florida. White-robed and hooded members attend burial services for Oscar H. Gibson of the local Klavern

Fair Enough

By WESTBROOK PEGLER
Miami, Where Klansmen Wrecked Night Club, Is Given A Hard Going-Over By Pegler



As a commentary on the character of the place in which a band of Mr. Justice Black's ex-brethren in the sacred, unflinching bond of Klanishness recently took it upon themselves to wreck a night club, the following item from Page One of The Miami (Fla.) Herald is submitted:

"POLICE TRAIL LITTLE WILLIE JUST TO SEE HIM RUN. Little Willie is breathing normal."

"Willie is the 12-year-old son of a Negro woman with whom he lives at the Miami Beach home of which she is caretaker."

"Last Saturday Willie boarded a street car in Miami Beach to visit his aunt in the Miami Negro section."

"He left the trolley at First- and Eighth-av. ne. began walking to his aunt's home."

"Then a police patrol drove along side."

"'Boy,' said one of the two policemen, 'how fast can you get to Niggertown?'"

"Pretty fast, I guess," Willie stammered.

"Get going," was the next order. "Willie began to run while the

widespread newspaper practice of covering the social and theatrical phase of night life and ignoring the known corrupt and criminal background was nowhere more apparent than in Miami. There is something pathetic about a community in which vigilantes wearing the mask of the burglar to conceal their identity, for the same reason that the burglar conceals his, kick in a joint which the sheriff

NEWSPAPERS IGNORE CORRUPTION
The newspapers, in their zeal to promote spending and local business, condoned this system except in moments of political frenzy. The

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Captain George J. Garcia, Grand Dragon of the Florida Realm, said **TO TAMP A FLOGGING**

Walden

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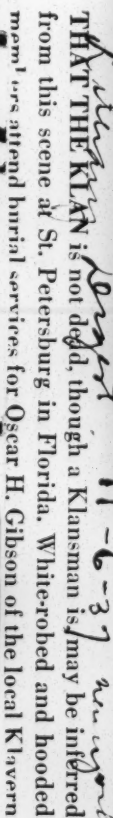
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WESTBROOK PEGLER

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"POLICE TRAIL LITTLE WIL- trailed him all the way."

"Willie is the 12-year-old son of a For about 10 years Miami and a woman with whom he lives Miami Beach and the little Miami

He left the trolley at First-av play in any gambling house in the walk-region which was not licensed through the graft system for 2700 and to his aunt's home.

11-27-31

"Then a police patrol drove along—other of the local authorities and
"Boy," said one of the two po-opinion, which felt that it was
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There is something pathetic about a community in which vigilantes wearing the mask of the burglar to conceal their identity, for the same reason that the burglar conceals his, kick in a joint which the sheriff

describes as a menace while "guffawing cops" in a patrol car are busy chasing a terrified 12-year-old Negro child through the streets. And The Miami Herald's jocose treatment of the boy's fear and the huge mirth of the two policemen in itself would be marred by any elaboration.

EMBOLDENED KU KLUX KLAN AGAIN IS ACTIVE IN FLORIDA

Less Secretive, It Directs Its Attacks Against
Alleged Communists and Those Whose
Morals Are Considered Objectionable

By HARRIS G. SIMS

LAKE LAND, Nov. 19.—The Ku Klux Klan is asserting itself with new strength and boldness. The re-complexion of the organization has changed slightly. It is not so secretive with its program as it was fifteen years ago, and its attacks are in new directions.

During its more flamboyant days in 1925, the Klan's chief aversions were racial and religious. Here in Florida as in other States, there were frequent night parades of white-robed members through Negro sections of communities. This was done to "keep the colored man in his place." The basic issue was one of economic competition between white workers in the lower pay brackets and Negroes.

While the Klan still keeps watchful eyes on the Negro, it has been more conspicuous during recent months in its opposition to communism and as a vigilante group striking at wayward public officials, unfaithful matrimonial partners and places of vice.

Governor's Words

Governor Cone, during his New York visit, was reported in the press as having said that people who come to Florida and try to overthrow the government would be "hung to a tree" or "ridden out on a rail."

This was regarded by some of his constituents as an unfortunate utterance, although those who know the Governor's homespun personality assumed that his blunt words were hyperbole. No violence of the sort mentioned by the Governor has been traced to Klansmen, but his intimation against communism is believed to have encouraged them.

Thirty-two persons—ranging from

papers said Klansmen raided the club. The Klan is not riding back to power. It has already reached that destination.

The papers also published editorials deploring tactics of anonymous mobs.

Klan leaders denied that their or-

NIGHT RAIDER



Murdoch

Hooded figures such as this paid a visit to a Miami night club.

ganization took part in the raid. There have been no moves toward prosecution of raiders.

Describing the night club as a menace, Sheriff D. D. Coleman of Dade County said he would do everything in his power to keep the place closed.

Inasmuch as Klan membership is a matter of secrecy, the public has no way of questioning the word of Captain George J. Garcia of Jacksonville, Grand Dragon of Florida, that "some of the best people in Miami are members of the Klan." There is evidence, some citizens say, that the quality of membership is much better now than in 1925.

Most observers who approve the Klan's present program argue that the laxity of law enforcement officers justifies the use of force by the hooded group. Those outspoken against the Klan charge that it is, in reality, the antithesis of law and order.

For Direct Action

In communities where violations of the law are on the increase it is a common thing to hear the suggestion that the Klan ought to step in and do something. This view is being expressed more and more frequently, and in many instances by outstanding individuals.

Ku Klux Act Cuts Two Ways

Prosecution of employers who refuse to knuckle under to the CIO under the reconstruction act of 1870, aimed at the Ku Klux Klan, is to become the settled policy of the Department of Justice, according to H. R. Baukhage, who writes a column behind Washington Headlines.

Mr. Baukhage is a little bit tardy in his discovery that the Department of Justice has unearthed this ancient statute. His statement is that "thumbing through their tomes, the department's lawyers have come to the conclusion that criminal action could be taken against employers if it were proved that they were interfering with union organization or any of the 'rights' laid down in the national labor relations act" under Title 18, Section 5 of the United States code. He cites the following paragraph:

"If two or more persons conspire to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him under the constitution," he is to be punished as further provided.

After quoting the provision of a penalty of not more than five thousand dollars fine and not more than 10 years in jail, he says this was just the wedge the Department of Justice used to enter bloody Harlan county, Kentucky, where mine operators were charged with employing force to prevent miners from organizing.

In an undertone, Mr. Baukhage adds that there is just a suspicion "that some of the attorney general's staff would a little rather not be called upon to use this particular brand of high explosives unless they have to."

The Washington columnist evidently is unaware, in the first place, that the attorney general took special pains, several weeks ago, to broadcast an announcement that G-men were being sent to Porterdale to investigate alleged violations of this Ku Klux statute. It is interesting and important, however, to know that the Department of Justice is thinking of making more extensive use of this reconstruction law.

The paragraph which Mr. Baukhage failed to quote, however, is that which prohibits two or more persons from going on the highway in "disguise" to hinder the enjoyment of any right.

Like the Wagner act itself, this law if properly applied could cut with a double edge and it is surprising that those in authority at Washington do not seem to realize it. Many Georgians have a keen recollection of the flying-squadron of labor agitators who hurried up and down the highways of this state committing acts of violence and there can be no question but what they would come under the terms of the statute if they were to repeat such a performance. Any man who is not totally blinded by prejudice must realize that, aside from the use of the highways, it is the CIO strikers who have deliberately and persistently interfered with every legal right of workers who wanted to work and of industries which wanted to operate.

If the Department of Justice were not utterly partisan in the interest of John L. Lewis and his high-binders, it could proceed under this very statute and send John Lewis to jail for 10 years, in addition to a fine of five thousand dollars. The hoodlums of Pennsylvania, Ohio and Illinois who come under the terms of this act would fill the jails of every county in those commonwealths.

As we have said, this statute does not differ from the Wagner act in that both might well be invoked to end this turbulence in the industrial world. The Supreme Court of the United States in upholding the validity of the Wagner act went further in its interpretation of what constitutes interstate commerce and the activities which prevent the free flow of commerce than ever before. It even ruled that the manufacture of clothing in a Richmond plant which was absolutely local except that its raw materials were brought in from other states and its finished product, in part, sent into other states, was constitutional.

If it is not a violation of interstate commerce for John Lewis and his CIO arbitrarily to throw 100 thousand men out of work, stopping railroads, mines, and steel plants, then it would be no such violation if John Lewis held up the Twentieth Century Limited at the point of a gun.

There are laws in plenty on the statute books, including the Ku Klux act and the Wagner act, which could stop this conspiracy in restraint of trade and this assault on civilization if the Department of Justice at Washington were disposed to observe the constitutional requirement of faithfully executing the law.

RE-ENTER THE CLANSMAN.

Thomas Dixon, back on native soil some months ago to urge the election of Alf Landon to the presidency upon his erstwhile fellow citizens and now returned to Tar Heel residence through the grace of Judge Ike Meekins and a Republican appointment to the clerkship of the federal court for the eastern district of North Carolina, is for all his political gyrations the same old Tom.

In his first public blare since assuming the court position, Legislator, clergyman, author, promoter, campaigner, clerk Dixon took up precisely where he left off in "The Clansman." Speaking at a banquet at Chapel Hill, he assailed the pending federal anti-lynching bill as the "blind for a veiled attack upon the south" and "another attempt to put the south back under a reconstruction regime." Further than that Mr. Dixon must be credited with a real discovery in his asseveration that "lynching has nothing to do with the bill."

A younger generation, to be sure, may not know and appreciate the Honorable Tom's basis of comparison. But the unshakable idea obtains that a move by Washington to curb such barbarism as occurred at Duck Hill, Miss., even as the house acted upon the Gavagan bill, and to bring their perpetrators to justice is not a veiled attack upon anything or body and that dispatch of a bevy of G-men into any guilty community to ferret out lynchers and haul them into courts where justice is more likely to be meted would represent the sort of reconstruction program which the south or any section minded to shelter and protect mobsters patently needed.

And "lynching has nothing to do with the bill." If the nation's or the south's lynching record were spotless, the Gavagan bill would have been offered and pushed through the house just the same, eh? And doesn't that

make fine sense? Our own suggestion to the Honorable Tom is that he continue either his fiction exclusively or stick solely to clerkshipping. The two make a ridiculous admixture as revealed in his Chapel Hill strictures. The clansmen's hoof-beats have given way to the motor car's putt-putt and honk-honk these latter days if you really must know. Tom, March 16, 1937

BLACK SHIRTS, BROWN SHIRTS AND NIGHTSHIRTS

Dr. Hiram W. Evans, imperial wizard of the Ku Klux Klan, says that "the Klan will ride again to stamp out Communism." That message is about as welcome as would be the announcement by the U. S. Public Health Service that everybody in this country was to be exposed to tuberculosis in a drive to stamp out malaria.

If our American ideals and American rights are threatened, then the country has enough on its hands without being faced with the necessity of combating Ku Kluxism. Bigotry and force have never been known to produce anything worthwhile in a battle with bigotry and force. And that is what a battle between Ku Kluxism and Communism would amount to.

In Russia men are beaten for being capitalists and believing in God. In Germany men are beaten for being opposed to Nazism or for failure to worship God in a prescribed manner. If in the United States men are to be beaten for being Communists—and those who are doing the beating are to have their own particular definition of Communism—then we will not be much better off than the Russians or the Germans. If we need an O. G. P. U., a Schutz Staete or Black Shirts to save America, democracy is already lost.

One hopes that the imperial wizard's message is based upon a desire to get back into the wholesale sheet business rather than upon any belief that he will revive the Klan.

That he should cloak his ambitions in a desire to uphold Americanism is most nauseating. America has never stood for combating ideas with force; it has never stood for raiding men's homes in the night, it has never stood for men being put on trial without knowing their accusers. The original Klan came into being at a time

when there was no law. Every government official in this country today was put into office legally.

Herbert Agar, columnist of The Louisville Courier-Journal, discusses the hypocrisy of "stamping out" anything in the name of Americanism. Mr. Agar says:

"... One of the things we Americans like best about our country is that we have written into our Constitution a pledge not to stamp out political minorities.

"If the wizard would admit he is defending Stalinism, rather than Americanism, it would be correct for him to threaten to stamp people out. The Russian dictator would approve.

"If the Klan would ride in defense of Hitlerism, instead of Americanism, I wouldn't complain. I could enjoy the funny spectacle, and the foolish speeches, without feeling that my country was being insulted.

"It is Hitler who approves of stamping out minorities. It is America who boasts that she is strong enough, and wise enough, to let minorities have their say. It is one of our proudest boasts. If the Klan want to go back on everything America stands for, that is the Klan's misfortune. But it had better not hide behind the American flag while it knifes Americanism.

"In America, Communists have as much right to express their opinions as have Republicans. They have as much right to print newspapers, to circulate campaign material, as have Republicans. In America, even wizards have a right to tire our ears with their hooliganism. But nobody—neither Communist, Republican, nor wizard—has a right to 'stamp out' anyone else.

"Any stamping that is necessary we will do officially, as a Government response to violence or the threat of violence. And the less amateur help the Government gets from wizards, the better."

The way to demonstrate one's faith in America and democracy is to abhor the use of methods that are in favor in Russia, Germany and Italy. If democracy survives it will not be because it is upheld by the lash and the iron heel of force. It will be because enough men believe in freedom of opinion not only for themselves, but for those with whom they disagree.

Atlanta, Ga. Constitution
September 21, 1937

FAIR ENOUGH

By WESTBROOK PEGLER.

Lines From NEW YORK, Sept. 20.—Lines from the diary of a great liberalizing influence:

June 8.—Awful tired all day. Out all night flogging Hyman Cohen, the clothes presser, for tak-

ing business away from Klansman Jones. Ten of us in masks and robes grabbed him out of his house at 1 a. m., rode him 20 miles out in the country, and beat him with straps until he collapsed. Let him walk back. Very inspiring to me, and my physical fatigue today is no price at all to pay for the marvelous spiritual elation which I have felt. Never will I forget the disgusting shrieks of Cohen's wife and children in the dark. Place smelled of garlic. Revolting and very un-American.

June 26.—Attended Klorero last night and heard inspiring addresses by Kleagle, Kligrapp and great Exalted Kludd. Took measures to preserve American standards of justice in impending trial of two of our members for murder. Seems they shot a town marshal in Hickory Center for interfering with the Americanization of a Catholic named Murphy by the tar-and-feather ritual. Our two brothers have been indicted as a matter of form, although the prosecuting attorney, of course, is Klannish and will protect American ideals in the trial by presenting a weak case. Nevertheless to guarantee the preservation of American justice in the trial, we have arranged to place seven Klansmen on the jury.

Swelling With Pride July 12. — I have been swelling with pride all day. My klannishness is the greatest, most purifying spiritual force of all my life. Last night six of us quietly went to the home of the Smith woman who calls herself a widow. Good-looking blonde with two children and no visible means of support, although she claims to have \$1,800 life insurance from her husband's death. The wife of one of our members came to klonvocation and secretly informed us that the Smith woman was seen talking to a married man on East Oak street after dark twice in one week. Plain case of attempting to wreck an American home.

So six of us grabbed her last night, took her up in the hills, and by the light of a fiery cross stripped all her clothes off, smeared her with tar, sprinkled her with feathers, and burned a scarlet letter on her forehead with acid. She screamed that she was an innocent victim of female jealousy, but she was convicted on the word of a Klanswoman representing the highest type of 100 per cent American womanhood.

July 22.—I suppose it is over-ambitious of me, but I hope to get in a position some day where I can place a real American interpretation on the laws for the education of the children. Believe me, I will abolish the teaching of alien foreign Roman popeishness in private schools. And white Amer-

icanism could rest assured that the federal government will never again interfere with the administration of true justice like it did on the Scottsboro case.

Fifty of Us August 3. — Been Raid Cabins having labor trouble lately around here. Negroes won't work for 75 cents a day, demanding up to a dollar and a quarter. Half a dozen of our members complained of a serious situation, demanding that we send them to road gang for loafing when work is available at good wages. But that would only arouse some un-American lawyer to defend them on strained constitutional grounds and cause endless trouble. I proposed more American methods. Therefore 50 of us raided half a dozen cabins, burned them down, and grabbed four and tied them to trees and gave them a lesson in white supremacy.

Two of them busted loose and started to run, and in the excitement several guns were accidentally discharged, with the result that the fugitives were killed. We quickly disbanded, hiding our hoods and robes under the seats of our cars, and came back to town by separate routes. That was three days ago, and the treatment has been 100 per cent effective. All scared now, and our members report they are willing to work for even as little as 50 cents.

August 17.—One great spiritual satisfaction of klannishness is to see un-American businesses being put out of business by our secret boycott. Dorsey's hardware store folded up last week and Klansman Swivet will get all his trade. Always pretended to be a good friend of Dorsey, but he's a Catholic and can't be trusted to maintain American ideals. I would shake his hand and look him in the eye and he couldn't tell if I was one of those who looked at him through the peepholes of a mask as he stood on the sidewalk watching our parades.

September 1.—At last the highest ambition of my life has been gratified. I am too full of words, and I take office in the sacred, unfailing bond of klannishness.

(Copyright, 1937, for The Constitution.)

Klan Organization Called Bluff By KKK Founder

Colonel William Joseph Simmons, founder and former emperor and imperial wizard of the KU KLUX KLAN, in an interview with a writer for Atlanta Georgian recently stated, Wednesday, that the organization is all bluff, was wrested from his control by traitors, and that there was no thought of prejudice affecting Jews, Catholics or religious sects when the order was originally founded in 1915. The former Klan wizard denounced the present klan from a government hospital where he has been a patient for several months. Stating his plans to make a comeback in the order and clean it out, the Colonel waxed hoarse as he cited the history of the hooded swarm.

Refers to Famous Traitors The Klan was strong in the South, also too strong. But the Klan was stronger in Ohio and Indiana than in any other American States. It had great strength in many middle Western States, and considerable strength in the East, particularly in New Jersey, Pennsylvania and New York. But in Ohio and Indiana, according to our recollection and impression, a higher percentage of the citizens were Klansmen than in any other American States.

When asked whether the present organization would carry out the Klan's purpose, the Colonel replied: "God, it's enough to make one laugh. They are traitors to their oath, and to every interest of America." Stating that the men who betrayed him were so trusted by him that he would have trusted them in his own home, the ex-wizard said, "I sincerely apologize to Judas, Brutus and Benedict Arnold. Al Capone is a snow-white angel."

Not National Organization "If the original purpose of the Klan had gone on, we would not have had these conditions in America today," he continued. The present klan, according to the Colonel, is really no national organization, but "merely a political bunch without any real power except in certain local groups."

"Every man who has run for office in Georgia in the last 10 years with Klan backing has been defeated," he said.

"Rivers was not elected because people voted against Talmadge," of Klan backing, but because the

Simmons stated. He also claimed that while he headed the Klan, its income reached as much as \$45,000 a day.

THE KLAN NOT ALL-SOUTHERN

Some Washington correspondents are prone to refer to the South as the former "stronghold of the Ku Klux Klan." The Advertiser would not presume to minimize the influence of the Klan in the South back in the twenties, although it is prepared to say that so far as Alabama is concerned the Klan was never able to command more than a minority of the votes. The sweeping Klan victories here in 1920 were plainly minority victories and were possible only because at that time Alabama had a second-choice primary system which gave the offices to candidates with pluralities and not majorities. This is history, not opinion.

The Klan was strong in the South, also too strong. But the Klan was stronger in Ohio and Indiana than in any other American States. It had great strength in many middle Western States, and considerable strength in the East, particularly in New Jersey, Pennsylvania and New York. But in Ohio and Indiana, according to our recollection and impression, a higher percentage of the citizens were Klansmen than in any other American States. The truth is that many States, East and West and South, were tarred with the same stick. The South's reputation as the "stronghold" of the Klan derives from the fact that the original Klan—entirely different from the recent order bearing its name—was all-Southern, and the fact that in the twenties the American Klan capital was Atlanta. But the Klan was by no means all-Southern in the twenties.

DON'T DIG TOO FAR

Writing of the old Ku Klux The Bamberg Herald says "Most of the best white men in the South belonged to the order, which was necessary to restore the South to its legal owners", and in the saying is error. The old Ku Klux were organized in only five counties of South Carolina, though it had some members from other counties. However it accomplished much good in certain localities, it was stamped out of existence by 1871 and the control of the South was not restored to white people until 1876. Not all of the old Klansmen were heroes and sometimes their deeds were not defensible. The "restoration" was not confined to Negroes, Scalawags and Carpetbaggers. Occasionally outrages were done to good citizens, in spite of revenge. When the Federal Government made wholesale arrests many members of the order betrayed their fellows, turned "State's evidence" and so got off with light sentences, while better men, some of them of the best that the country had, were forced to flee or were sent to a Federal penitentiary. For a short time the old Ku Klux served a good purpose, but it won't do to dig too deep into the record of the order.—Charleston News and Courier.

Little white father

Genola, Ga.—Northerners may feel outraged that Justice Black belonged to the Ku Klux Klan, but the South does not resent it.

There were real reasons why the Ku Klux Klan was organized. The South in the days of Reconstruction was struggling under the grip of the carpetbaggers. The carpetbaggers were kept in office by the Negro vote, while the federal army reinforced the carpetbagger government. The only way that the whites of the South could regain control was to keep the Negroes away from the polls, so the Ku Klux Klan was organized to terrorize them.

The K.K.K. has served a wonderful purpose in the South. It has restored state, county, and local governments to the whites.—Harbin M. King

Ickes Calls Ku Klux Klan Menace to Entire World

Nations, Like the Lawless Dixie Mobsters, Are Now Wearing Nightshirts, Says Secretary of Interior.

stroyed and people killed by the hundreds of thousands in the name of humanity, civilization or religion, with never a declaration of war uttered.

"Legalistically speaking, the world may be at peace while helpless populations are put to the sword. The kleagles and klokards now ride bombers, tanks, battleship and submarines over a field of operations that is international."

NEW YORK (ANP)—A defense of American institutions and ideals and a warning against the subversive propaganda of some foreign governments, was issued by Harold L. Ickes, Secretary of the Interior, Wednesday, before the huge crowd attending the annual meeting of the Civil Liberties Union at Roosevelt Hotel.

Speaking on "Nations in Nightshirts," Mr. Ickes said in part:

"Shortly after the World War, America, as a land of liberty, was menaced by the madness of men in nightshirts. Citizens who, theretofore, and again thereafter, were decent and law-abiding, with a due regard for the rights and privileges of others with whom they had long dwelt in neighborly amity, became temporarily mad in a craze to squeeze into uniformity the rich diversity of democracy.

Program of Hate

"They created a duty to hate men born in other countries, although their own ancestors had been born there. They created a duty to suspect every man of one race and religion, heaping contempt upon colored people, Jews and Catholics.

the anonymity of cowardice, they dragged men from their beds, tarring and feathering and assaulting, and, in some instances, even killing their victims. They hypnotized themselves into believing that they did these things to improve our civilization, to protect our institutions, to keep our blood stream pure.

"Ku Kluxism was a harmful local institution that had mushroomed in a country whose Constitution guaranteed to every man immunity from persecution on account of race, creed, or color. Today, America, that survived as a land of liberty despite the madness of men in nightshirts, is far more dangerously threatened by a new madness of nations in nightshirts.

Nations in Nightshirts

"Where benighted men of our country at one time indulged a moronic exhibitionism, which disgraced the nation, we now find nations that boast of their civilizations, committing deeds of unprovoked violence against their neighbors.

"And, just as it was with Ku Kluxers here, these nations in nightshirts pretend to believe that they are doing their daily good deed. Invading armies are sent across the borders of other countries that are so weak and helpless as to offer a help-

Modus Operandi

"Riding forth at night in territories may be overrun, territory taken, property de-

Klu Klux Klan - 1937

Georgia

Former KKK Factory Soon To Be Converted Into Model Apartment House

SPIVAK LINKS BOSTON
NAZI TO KLAN BOSS

BOSTON, Oct.--(CNA)-- John L. Spivak, white author of an expose of Georgia chain gang brutality, charged this week that Edward H. Hunter, director of the Industrial Defense Association in Boston, is "directly tied up" with J. A. Colescott, Ku Klux Klan Dragon of the Ohio, Illinois and Michigan realm.

Crossader News Agency
Resuming testimony before the special legislative committee inquiring into "racial activities" in Massachusetts, Spivak added that he was ready to back up his previous charge that Hunter was the chief propagandist in this country for Nazi Germany.

10-18-37 New York NY
Spivak had previously testified that Nazi Germany is spending \$2,500,000 a year in the United States to spread Nazi propaganda and finance attacks on Negroes, Jews, Catholics and on progressive groups. He also presented proof that prominent Massachusetts citizens had contributed large sums to Hunter's organization.

He named two aides of Henry Ford, automobile manufacturers, as prominent in the dissemination of Nazi propaganda in the United States. Fritz Kuhn, of Detroit, he asserted, is employed by Ford but "spends most of his time addressing Nazi meetings."

William J. Cameron, Ford's private secretary and former editor of the Dearborn Independent, Spivak declared, was organizer of the Anglo-Saxon Federation, a reactionary outfit, with headquarters in Detroit and Chicago.

Spivak exposed the connection of the Nazis in the United States with the Klan, the Silver Shirts, the Sentinels of the Republic and other anti-Negro fascist groups.

ex-checker

7-27-37
The discontinuance of this building as a klan regalia manufactory seems to confirm Lincoln's oft repeated prophecy—"you can fool some of the people all the time, you can fool all the people some of the time, but you can't fool all the people all of the time."

There wasn't any danger of Negro soldiers returning from France "uprising" or influencing anybody else to "uprise". It is true that both the Negro soldiers and those whom they left behind expected that upon their return they would receive a different reception than was accorded the majority of them. He recalled that they fought to make the world safe for Democracy--whatever that means.

Evidently the klan recruits who were victimized by an intolerant hysteria gradually woke up to what was happening to them and decided to stop paying hundreds of thousands of dollars for white sheets to wear occasionally at night in the streets, but to confine their investments in sheets, those to be used on their beds indoors.

In the meantime, on the other side of the street opposite the klan activities in every community could be found clear-thinking white and colored citizens working together to the end that a large measure of interracial understanding and goodwill might obtain. We are thus persuaded that the erstwhile unprejudicial public will not pay cash for hate indefinitely.

By JESSE O. THOMAS
The large, three-story building on Roswell Road, near Buckhead, which was used to manufacture regalia and emblems by and for the klu klux klan is to be converted into a modern twenty-four unit apartment house. This transfer of property from the hangover of the second edition of the klu klux klan to private interest seems to suggest that there is a saturation point to which one may go in even selling hate for cash.

7-27-37
At one time this building housed a thriving industry. As rapidly as interracial intolerance could be crystallized in the mass culture of the white world and as frequently as those persons who were made to feel that some organized effort should be forthwith encounter an imaginary "up rising" among Negroes, badges and emblems of identification were purchased by those qualifying for membership ("native born white, over twenty-one years of age or citizens of good moral character") in the klan organization. The wheels of the factory turned constantly to turn out a finished product to meet the increasing demands.

The organization first directed its main activities toward "putting the Negro in his place." It later included Catholics, Jews, Hawaiians, Japanese and Philipinos until it covered America "like the dew." Colonel J. W. Simmons was the organizing genius in the klan movement and is alleged to have sold his equity for approximately a million dollars. He got out when he discovered his "house of cards tumbling."

Looney in ad
The organization was established on Stone Mountain around 1916. Before the end of the first decade it had extended its activities to practically every station in the union. Millions of dollars went through the treasuries of the various local organizations, much of which found its way to the national

KLAN DRIVE IS SEEN AS A FIGHT ON C. I. O.

Activities in South Found
Greatest Wherever Union
Campaigns Are Undertaken

WOULD WAR UPON 'REDS

By EDWIN CAMP

ATLANTA, Oct. 29.—On April 26 as the Confederate Memorial Day parade wended its way through the main streets of Atlanta, a straggling company brought up the rear. Behind the military bands and drum corps and the automobiles conveying the few enfeebled old soldiers lay the Ku Klux Klan, marching again.

This was 1937, and many of those who lined the sidewalks were seeing the Klan on the march in its white cotton nightgowns for the first time. More than a decade before it had petered out, but here, to use a homely phrase, the depression years had put what appeared to be the finishing touch, as members almost unanimously ceased paying dues.

To such a pass had come the order that the Imperial Wizard, Hiram W. Evans, Doctor of Dentistry, transferred his activities to Washington, to be in close touch with the political situation, he said. The Imperial Palace on Peachtree Road had been sold.

As the white-gowned but unmasked band of forty or fifty Klansmen straggled by, displaying banners inveighing against Reds and communism and advocating 100 per cent Americanism, the curbstone reaction was largely laughter and jeers from old residents, an expression of surprise from newcomers.

Meetings Reported

Since then, there have been occasional reports of nocturnal gatherings of white-robed figures on the polo grounds of Piedmont Park, Atlanta's largest playground, and of the burning of the fiery cross in many Southern cities and towns.

But it is significant that wherever the cross has been burned there was in progress an attempt to unionize unorganized labor.

The undisputed fact is that the Klan, still under the nominal lead-

ership of Dr. Evans, is trying to make a comeback as a going business enterprise.

A few weeks after the Memorial Day parade, and at the time when the Steel Workers Organizing Committee and the Textile Workers Organizing Committee were starting their joint campaigns in the South, Dr. Evans engaged offices which he shares with J. A. Cole and a stenographer. Previously the headquarters had been out on rural Roswell Road, ten miles from Atlanta.

Organizers are being engaged, old membership rolls are being canvassed and, to the extent that a new salesforce can be established, new members are being sought.

T. W. O. C. Drive Fought

The old aversions of the Klan against Negroes, Catholics and Jews are being soft-pedaled. Organizers are not only under instructions to lay off, but some of them are actually seeking to impress Jewish and Catholic business men with the important part the Klan can play in repelling the "Communist invasion" by S. W. O. C. and T. W. O. C. campaigners. The slogan remains 100 per cent Americanism, but the objectives are few.

The Textile Workers Organizing Committee began a campaign in Greenville, S. C., the heart of the industry in the Piedmont section. Within a week hundreds of cards were tacked onto telephone poles, billboards and corner stores in the neighborhood of the Brandon Mill, reading:

C. I. O. Is Communism.
Communism
Will Not Be Tolerated.
Ku Klux Klan
Rides Again.

Specimens will be submitted to the Federal Labor Relations Board. F. E. Daniel, assistant regional director for the deep South of the Textile Workers Organizing Committee, reports numbers of instances in which fiery crosses were burned in the vicinity of the homes of C. I. O. organizers in Columbus, Ga., Chattanooga, Tenn., and other cities.

The Black Incident

The Hugo Black incident has provided for Klan organizers an arresting talking point. Denunciation in editorial and cartoon is used to demonstrate the fear in which the Klan is held by big business, the international bankers and the Republican party.

It was seized upon by Dr. Evans as a windfall. His salesmen are

telling how, instead of its being a moribund fraternity, the seats of the mighty tremble at the very mention of the Klan.

Public reaction to the attempt to revive the organization is curiously mixed. The South in general abhors industrial strife and regards the C. I. O. as a menace. To some the Klan, which was held in contempt as it functioned fifteen and ten years ago, appears to be a practical means of fighting the devil.

It is the opinion of many, however, that there is no Ku Klux Klan of considerable proportions. It is important to the few at the head to maintain the theory that it is a political power and that it can be utilized as an effective instrument against the so-called communistic threat of the C. I. O.

But the probability is that the present activity is only the rattling of an old skeleton.

Big Parade Of Klan Staged In Atlanta

ATLANTA, Nov. 10—(P)—J. A. Colescott, Ku Klux Klan organizer, said today a motor car parade of several hundred white-robed klansmen through Atlanta's principal negro business district last night was part of a "nation-wide program of Klan mobilizations."

With a motorcycle police escort, nearly 200 Klan cars rolled down Auburn Avenue and Decatur Street (thickly populated by negroes) as part of the itinerary.

A small, electrically-lighted "fiery cross" was mounted on the lead car. Police reported no disturbance along the parade route, which included most of the downtown area.

Hood From Head Of Kluxer Snatched Off By Man Who Dons It, Thrills Crowd

Garbed Passengers Of Long Motorcade
Pause Only For Heavy Traffic, Make
No Effort To Recover Regalia

The Ku Klux Klan is riding again! Tuesday night between eight and eight-thirty o'clock, approximately 50 or more cars, carrying several hundred hooded men rode through Auburn avenue, led by a police escort on motorcycles.

As the motorcade was forced to pause between Courtland and Bell streets, on account of heavy traffic, an Auburn avenue character stepped from the sidewalk and snatched the hood from the head of one of the silent passengers, who made no effort to recover his Klan regalia.

As a crowd of spectators congregated on the streets, many peering from the doors and windows of the various business houses and shops, the fellow, after snatching the hood, placed it upon his own head to the glee of the crowd, as he entertained his audience with monkeyshine antics of all sorts.

Except for the purring of their motors, no member of the Klansmen spoke, neither was any effort made to recover the hood which was taken by the Auburn avenue "bad man."

It was apparent that none of the spectators among the crowd was alarmed due to fear of the hooded organization, as they resumed their unknown journey up Auburn avenue toward Boulevard.

Klu Klux Klan-1937

Georgia

Robed Klan Escorts

Bid Gypsies Farewell

Four automobiles containing members of the Ku Klux Klan, in full regalia, early last night escorted out of Cobb county and Atlanta four automobiles containing members of a gypsy camp.

The gypsies, who had camped for several days in Cobb county, near the Chattahoochee river, were "requested" to break camp and move on. They did, with the Klansmen following.

When the caravan reached a gasoline station at Spring and Nelson streets, drivers of the gypsies' cars "gassed up," as others, more excited, set up cries of "Call the sheriff! Where's the sheriff?"

Police arrived, but were told the Klansmen had neither threatened the gypsies nor used violence. The caravan then proceeded out the Dixie highway until the gypsies were well out of town.

The Klansmen then returned to Atlanta and dispersed.

DANGEROUS USURPATION

"Four automobiles containing members of the Ku Klux Klan, in full regalia, early last night escorted out of Cobb county and Atlanta four automobiles containing members of a gypsy camp." This is the opening sentence of a news story which must have caused readers to rub their eyes in amazement.

Nor could they have been comforted by the rest of the account:

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Police arrived, but were told the Klansmen had neither threatened the gypsies nor used violence. The caravan then proceeded out the Dixie highway until the gypsies were well out of town.

These gypsies may have been undesirable sojourners. They may have deserved expulsion, although that is hardly probable. But whatever proper treatment should have been accorded them was within the province of the regular agencies of law enforcement and not of self-appointed guardians of the commu-

nity, whose only warrant for interference lay in their audacity.

Apparently the Klan's technique has changed. Threats and violence are now taboo. "Escort" is given to objectionables. But from such tactics to more serious usurpation of the police powers is only a step.

There is nothing in our life which gives the semblance of justification to a recrudescence of vigilante activities. If there is work for the authorities to do, let them, and no Klansmen, function accordingly.

Ku Klux Klan Turns Out in Full Regalia for Services



Members of the Ku Klux Klan, attired in full regalia, formed a semi-circular background of white for Confederate veterans who were guests of honor yesterday afternoon at Confederate Memorial Day exercises at Oakland cemetery. A five-mile-long parade marched from Peachtree and Baker streets through town and out to the cemetery for the ceremonies.

OLD KU KLUX PLANT TO BE APARTMENT

Constitution
Nearly \$100,000 Will Be
Spent To Make 24-Unit
Structure
7-25-37

Bids were received during the past week for turning the large three-story old Ku-Klux factory, on Roswell road, just in the edge of Buckhead, into a modern 24-unit apartment.

For many years this building—a most substantial one—was used by the Klan to manufacture regalia, for printing and other manufacturing purposes. It now belongs to Buckhead Apartments, Inc., a local group of realty investors, and plans have been in the making for some time to turn the old building into modern living quarters. It is understood that between \$75,000 and \$100,000 will be spent in completing the work. The company owns one lot on the side of the building, and has recently purchased the other side, so that a pretty landscape effect may be secured and most inviting surroundings accompany the new development. This will also make room for a number of garages for tenants.

Barili & Humphreys, local architects, have received the bids. They have drawn the plans for the change, and will supervise the construction as soon as contracts are let, which will probably be within 30 days. Stucco work and brick veneer and other changes will be made in the exterior, and the entire interior will be made into three and four-room modern apartments.

K.K.K. Initiating Members Near Atlanta

View of initiation rites



This exclusive and unusual photo which climaxed initiation of a new member of the Ku Klux Klan was taken at Ben Hill, Ga., during the recent induction of Klans No. 10-20-37.

AMERICA LOOKS AT THE KLAN

From the Southern Israelite.

The great outcry against the appointment to the supreme court of Senator Hugo Black has served to bring sharply into the national limelight the question of the Ku Klux Klan. To many, who remember with horror the terrorist activities of the hooded men, it would appear that the Klan rides again. That is only partially true; it is not the Klan, but rather the ghost of a mighty organization, a figment of the national imagination, which now sweeps across the headlines of the press and strikes terror in the hearts of those who fear an American equivalent of Fascism.

Several weeks ago in Atlanta, a foreign correspondent whose name we can not divulge, came to the Southern Israelite office to discuss with us his probe of local Klan activities for the press. His findings, he told us, were hardly of the nature to inspire a great pose. What he found was the corpse of a one-time terrorist group, now so resigned to death that not even the wide controversy over Justice Black can be said to have stirred it. True, he had learned that there were occasional parades and that meetings were held by torch-light, also that instead of the crusade against Catholics, Jews, Negroes and foreign elements, the cry today is against

51. Activities of the Klan, which has been dormant for several years, are again in the spotlight as a result of allegations that Hugo L. Black, newly appointed to the supreme court is a member. Communism. But it was hardly the stuff of which headlines are made.

As for the Jewish angle which he sought, there was none. Not a single Jewish leader in Atlanta was able to supply him with a fact of prejudice exercised by the Klan. The day of the Klan, as he learned, is over; the religious and racial hatred which it stirred has since been banished by religious leaders.

As inconsequential as these facts appear to be, the question which has been stirred by Justice Black's case and the reaction of democracy-loving Americans to it, is highly significant.

It bespeaks a watchful America, alert to the faintest manifestation of the Fascist spirit. Democracy, first and last, is the way of the United States. Europe has taught us the dangers inherent in dictatorship and we have learned that the Fascist spirit is one which, gaining even a slight foothold, can spread like wildfire. All in all, it is the healthiest token of America's resolve to remain a bulwark of democracy which has been evidenced this year.

Secondly, the death of the Ku Klux Klan points to the great benefits to be derived from inter-faith co-operation. It was directly as a result of the agitation of the Klan in the 1920's that the National Conference of Jews and Christians was organized to achieve justice, amity, understanding and co-operation among Protest-

ants, Catholics and Jews in America. Religion, then, has been a great force in stemming the tide of Fascism. The extent of its work in educating the masses to the dangers of religious and racial intolerance can best be measured by the absence of Klan terrorism and the alertness of the American people.

It is gratifying and reassuring to feel that "it can't happen here." Whatever the outcome of the Black case may be, the controversy which has surrounded it has forged another strong link in the chain of tolerance and liberty.

POLICE ESCORT LEADS MARCH

Onlooker, Known as "Bad Man," Takes Klansman's Hood and Then Wears It.

ATLANTA, Nov. 18 (By ANP)—Led by a police escort on motorcycles, more than 50 cars containing an estimated 250 Ku Klux Klansmen paraded both Auburn avenue and Decatur street, leading Negro thoroughfares, early Tuesday night.

But this demonstration by the hooded brotherhood did not strike terror into the hearts of the colored observers who lined sidewalks, homes and business houses watching the parade pass. One onlooker, known on Auburn as a "bad man," stepped from the sidewalk when the cars were halted because of heavy traffic and snatched the hood from the head of a Klansman.

The white man said nothing nor did he make any effort to regain the regalia. The Auburn character placed the hood upon his own head and entertained the spectators with various antics long after the parade had finally gone its way.

J. A. Colescott, Klan organizer, said afterward the demonstration was part of a "nationwide program of Klan mobilizations."

PRAISE, RAP EXPOSAL OF GA. KLUXER

Man Snatches Hood Of Klansman During Atlanta Parade

ATLANTA, Nov. 19—A man whose name is being withheld for obvious reasons but who is well known along Auburn avenue, was being lauded by some for bravery and criticized by others for recklessness this week.

The incident which raised him from relative obscurity to prominence in the eyes of his fellow-men occurred Tuesday of last week while a motorcade bearing several hundred begowned and be-hooded Klansmen was journeying down the avenue.

When the procession, led by a police escort, was forced to tarry between Courtland and Bell streets because of traffic, a man—a Race man—strolled from the curb where hundreds of persons looked on, yanked the hood from the head of one of the knights of the pillow case and bed sheet, donned it and calmly walked away.

His audacity caught the white robed contingent flatfooted. They could do nothing but peer through the holes of their hoods. The face of the unhooded Klansman was crimson as the procession moved on.

While some this week were praising the act of the man as one of courage, and significant of the Race's diminishing fear of the once-feared triple-K, others called him a fool and predicted a visit of vengeance from the Kluxers in retaliation.

Klu Klux Klan- 1937

Georgia.

Hooded Figures Guarded Symbol, "Viewers" Say

Firemen Extinguish Blaze Upon Resident's Call

A fiery cross, guarded by two hooded Ku Klux Klansmen, blazed in a vacant field sometime last night on Ashby street, S. W., just across W. Fair, according to reports received by the Atlanta World

Several witnesses who allegedly saw the burning cross, said that besides the two silent hooded figures in white, who were apparently watching and guarding the fire about four or five cars were parked on Ashby street directly opposite the place where the cross was planted. The cars contained, from appearances, other Klan members, reporters of the incident stated.

The blaze, however, was short-lived, when some unknown resident of the neighborhood, evidently called the fire department, who answered the call and extinguished the burning cross with gusto. The Atlanta fire department later told the World by telephone they extinguished what appeared to be a fiery cross. Just what happened, or what the Klansmen did when the firemen approached could not be learned. The section in which the cross was burned was not too well lighted, and the only spectators who lingered seemed to be those participating in the burning activities. Several local cab drivers said they saw the spectacle in passing, but interest was not sufficiently high to detain them as spectators, it seemed.

Unlike a Ku Klux Klan motorcade, which crawled down Auburn avenue a few weeks ago, when, while the procession was forced to pause on account of traffic, an Auburn avenue pedestrian boldly walked up to one of the waiting cars, snatched the hood from the head of its wearer, and placed it upon his

own head and danced up and down the sidewalk amidst the cheers of the peering crowd, the Klan occurrence last night was devoid of large numbers of the hooded members, and the only spectators, excepting the few Klansmen, were enroute to their own destination, it was reported.

Ad-of-the-Week

In the Atlanta Constitution:

HELP WANTED, MALE

The Ku Klux Klan needs immediately a few more white, gentle, Protestant men of highest character for field work in Georgia. Write P.O. Box 1204, Atlanta.

*NEWS PICTURES—Round Table Press, Inc. (\$3.50).

Klu Klux Klan - 1937

Kentucky

Kentucky Mountaineers Held As Victims Reveal Floggings

Hooded Group Whipped

Those Failing To Meet Approval

PRESTONSBURG, KY., Jan. 9.—(AP)—A story of Kentucky mountaineers who wore stockings with eye-holes over their heads on midnight raids on cabins to beat up neighbors of whom they didn't approve was related here today following indictment of 25 alleged "Black Legs." The indictments specifically charge them with beating a country storekeeper and farmer, were returned under Kentucky's criminal syndicalism and sedition law. Its maximum penalty is 21 years and \$10,000 fine. Groups of five to eight men carried out the punishment decided on. It was a sort of lodge affair. There were regular meetings, and we were going to have some signal to give us warnings, but we never got that worked out. The members paid 37 cents to join, and their dues were 12 cents and more a month. The president got the dues. "We met wherever we could when there was a beating to be done. The ones that did it went armed. They wore sacks, dresses or anything else they could find and put old stockings over their heads with holes cut for the eyes. Switches were used for the beatings. They whipped anybody who was having bad carryings on."

Commonwealth's Atty. O. C. Hall said the indictments followed investigations of beatings of men and women by groups of hooded men and of reports that in some cases they ravished wives of the victims of the "switchings."

Miles Barnett, the storekeeper-farmer, who told the Grand Jury about being whipped, was said to have been punished for criticizing the gang's activities. "I'm going to send them all to the penitentiary in that case," Hall declared. He said they probably would be beaten before the end of the present term of court here.

The band operated along the border of Floyd and adjoining Magoffin County and some 15 of them were indicted in Magoffin more than a year ago for beatings. Hung juries followed their trials. Two pleaded guilty to a misdemeanor and paid \$150 fines. The others were put under \$1,000 peace bonds and the Magoffin beatings stopped, according to officials in that county.

Eight of the 25 indicted here were placed in jail in default of \$10,000 bond each and one, George Cole, came in today and gave \$10,000 bond. It was signed by S. B. Allen, county clerk of Magoffin County, and Lewis Marshall. Albert Marshall also surrendered today but went to jail. Seven were arrested Wednesday and bench warrants have been issued for the others.

Storekeeper Leader Alex Adams, Magoffin County attorney, said Carl Hall, a country storekeeper, was the leader of the band and that it appeared the Black Legs helped him collect bad debts. Cole blamed the indictment here on his having aided in evicting one of the band from a house owned by a friend.

Jim Marshall, a 30-year-old farmer, one of those indicted and who Hall said had offered to turn State's

ing them with beating Miles Barnett, a country storekeeper and farmer, were returned under Kentucky's Criminal Syndicalism and Sedition Law. Its maximum penalty is twenty-one years and \$10,000 fine.

In addition, five of the band were indicted on charges of banding and confederating and bonds were fixed at \$2,000 each.

O. C. Hall, Commonwealth's attorney, said the indictments followed investigations of beatings of men and women by groups of hooded men.

Mr. Barnett, the storekeeper-farmer, who told the grand jury about being whipped, was said to have been punished for criticizing the gang's activities.

"I'm going to send them all to the penitentiary in that case," Mr. Hall declared.

Freed at Former Trials

The band operated along the border of Floyd and adjoining Magoffin Counties and some fifteen of them were indicted in Magoffin more than a year ago for beatings. Hung juries followed their trials. Two pleaded guilty to a misdemeanor and paid \$150 fines. The others were put under \$1,000 peace bonds and the Magoffin beatings stopped.

Eight of the twenty-five indicted here were placed in jail in default of \$10,000 bond each, and one, George Cole, came in today and gave \$10,000 bonds. It was signed by S. B. Allen, clerk of Magoffin County, and Lewis Marshall.

Cole blamed the indictment here on his having aided in evicting one of the band from a house owned by a friend.

Albert Marshall also surrendered today, but went to jail. Seven were arrested Wednesday and bench warrants have been issued for the others.

Alex Adams, Magoffin County Attorney, said that Carl Hall, a country storekeeper, was the leader of the band and that it appeared the "Black Legs" helped him collect bad debts.

"Jim" Marshall, a 30-year-old farmer, one of those indicted and who, Mr. Hall said, had offered to turn State's evidence, told about the band today in the presence of Mr. Hall and Forrest Short, County Attorneys.

"And I'd rather stay right here in jail than go back to Magoffin County," Marshall said.

Called "Sort of Lodge Affair"

"They called themselves Black Legs," said Marshall, who at times also referred to the band as "the Legion." "There were twenty-five or thirty of them in it. They were related here today, following indictment of twenty-five alleged "Black Legs." The indictments specifically charge them with beating Miles Barnett, a country storekeeper and farmer, were returned under Kentucky's Criminal Syndicalism and Sedition Law. Its maximum penalty is twenty-one years and \$10,000 fine. Groups of five to eight men carried out the punishment decided on. It was a sort of lodge affair. There were regular meetings, and we were going to have some signal to give us warnings, but we never got that worked out. The members paid 37 cents to join, and their dues were 12 cents and more a month. The president got the dues. "We met wherever we could when there was a beating to be done. The ones that did it went armed. They wore sacks, dresses or anything else they could find and put old stockings over their heads with holes cut for the eyes. Switches were used for the beatings. They whipped anybody who was having bad carryings on."

"The members decided for themselves who should be punished. Groups of five to eight men then proceeded to carry out the punishment decided on."

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Whenever a man joined the organization he took an oath to stand by the others, Marshall went on and if it meant "taking anybody's life to save one of the gang from being hurt it was all right to do that."

"Every member of the gang was warned that he would be killed, hanged or burned up if he talked."

"I don't know what the purpose of the gang was or what was its air," Mr. Hall said. "They just wanted to be smart and band themselves together and take the law in their hands and they did that. Sentiment here is high against them."

Mr. Hall stated that he did not believe the band had any outside connections, but that he was investigating reports that automobiles with other States licenses had been seen at some of the meetings.

'BLACK LEG' TERROR TOLD BY MEMBERS

Band Whipped Anybody Who 'Had Bad Carryings On,' Kentuckian Confesses.

NEOPHYTES WERE WARNED

They Were Told They Would Be Beaten or Burned if They Revealed Secrets—25 Indicted.

PRESTONSBURG, Ky., Jan. 9 (AP).

—A story of Kentucky mountaineers who wore old stockings with eye-holes over their heads on midnight raids on cabins to beat up neighbors of whom they did not approve was related here today, following indictment of twenty-five alleged "Black Legs."

The indictments specifically charge

Klu Klux Klan - 1937

Michigan

Advise Gov. Murphy: *Daily Worker* **'Halt Auto Terror'**

• Black Legionism has raised its filthy head again in Michigan.

The murderous secretive fascist forces have now come out in the open. They are called the Flint Alliance, and the Morgan-duPont racketeers of the General Motors Corporation are their creators.

The terror which has been launched by the Sloan-Knudsen gang is now extending beyond Flint, into other centers in Michigan. Two organizers of the Committee for Industrial Organization lie in the Hurly Hospital in Flint, with serious injuries. They are two of the four organizers attacked at Saginaw and Bay City by the terrorist hirelings of General Motors.

The General Motors outfit—which owns the corrupt courts and police forces of the State—is inciting its hired henchmen to still further outrages.

This is the only law which the Sloan-Knudsen Liberty Leaguers know: **FORCE AND VIOLENCE.**

American labor unions have the urgent duty to see that this criminal conspiracy is smashed and that the terror in Michigan is speedily halted.

Telegrams to Governor Frank Murphy at Lansing, can advise the Michigan executive that these terroristic acts must be ended without another day's delay. They can also inform him that the time has come to disband the criminal conspiracy known as the Flint Alliance, which is nothing more nor less than the organized murder band of the General Motors Corporation.

Terror cannot be permitted to continue in the auto centers for another hour.

9 BLACK KLAN MEN GUILTY IN MURDER PLOT

7 Others Acquitted of Conspiracy to Kill

Daily Worker
3-3-37
Publisher

DETROIT, Mich., March 12.—Nine more members, among them outstanding leaders of the terroristic Black Legion, were found guilty today of conspiring to murder Arthur L. Kingsley, Highland Park publisher, during 1933 and 1934.

Recorder's Judge John V. Brennan, who acted as judge and jury in the case, acquitted seven others who were tried on the same charge. Sentence on the conspiracy charge, a felony punishable by a maximum of five years, was held up pending reports of the probation department.

Those found guilty are: Arthur L. Lupp, Michigan state commander of the Black Legion; N. Ray Markland, former mayor of Highland Park and at the time of his arrest an investigator for the county prosecutor; Roy Hepner, a colonel in the Black Legion; Frank Howard, Rudyard Kipling Wellman, Willard Foster, Matthias Gun and Hubert James.

Among those acquitted was Leslie Black, who figured prominently in several of the Legion's terror acts.

The trial which lasted several weeks came seven months after the terrorists were indicted. It was held up mainly because of maneuvers of former Republican state officials who sought an opportunity to quash the charges.

Triggerman Dayton Dean was again the star witness in the trial, but his testimony was corroborated by several others. The court heard how Arthur Lupp and Markland, whose chances for re-election were seriously impaired by Kingsley's publicity against him, met with Dean and instructed him to kill the publisher. Dean told how others of those on trial were instructed to point out Kingsley to him.

The triggerman related in detail how on one occasion a group of the terrorists met on the out-

skirts of the city and entered into a "blood pact." Each signed his name in his own blood as an oath that whatever the assignment might be it would be faithfully carried out. Colonel Hepner then revealed to Dean that he was the chosen man for the "Kingsley job." Dean told how on several occasions he almost caught Kingsley, but never got close enough to kill him.

New Jersey

Ku Klux Klan - 1937

Burn Fiery Cross As Black Speaks

NEWARK, N. J., Oct. 7 — A fiery cross burned atop the dam at Mountain Lakes in nearby Union County Friday night, while Justice Hugo L. Black broadcast his reply on the Klan issue to millions of listeners.

Union County, which embraces such rich suburban towns as Elizabeth, Plainfield and Summit, has long been a Klan center, and at one time night meetings of the hooded order were held within a stone's throw of the Shady Rest Country Club for Negroes, near Westfield. Incorporated organizations of the Klan in this county have been frequently noted in the press of recent years.

FLAMING CROSS BURNS IN JERSEY

MOUNTAIN LAKES, N. J., Oct. 7. (P) — A cross, about 8 by 6 feet, burned for a few minutes tonight at the dam at Mountain Lake, in the center of this north Jersey borough, while Supreme Court Justice Hugo L. Black delivered his radio address in which he said he once joined the Ku Klux Klan. *Atlanta, Ga.*

The cross, set fire by unidentified persons a few minutes before 9:30 p. m., burned about 10 minutes and then toppled to the ground.

Klu Klux Klan - 1937

Claims Black Legion, Klan Getting Together

NEW YORK — Rep. Samuel Dickstein, chairman of the congressional committee investigating un-American activities, has announced that the Black Legion and the Klan in New York State and "similar organizations" are planning to unite under one head.

Rep. Dickstein declared that there are about 200,000 members of the Klan in the state, and that they are led by "a minister living in Yonkers." He said, further, that they "are active in political and religious fields." A part of Rep. Dickstein's statement, reprinted in Hearst's New York American, follows:

Meetings of the Klan, with Black Legionnaires present, were held in Corps Field, Peekskill, Sept. 6, 7, and 8. At the meeting Sept. 7 crosses were burned. The Klansmen wore white hoods and the legionnaires black.

The licenses of the automobiles parked at the field included Massachusetts, New York Connecticut, Michigan and as far South as Georgia. Ulster, Orange and Putnam counties in New York are the strongest Klan districts in the State.

New York

More On 'Disapproved' List Threatened By Night Riders

CHALLOTTE, N. C., Feb. 9.—(P)—Sheriff J. A. Russ, announcing that "praying night riders" had dispatched a new series of threats against persons of whom they disapprove, mobilized his forces tonight in an effort to prevent repetition of floggings which have stirred this section intermittently for months.

One of the latest letters from the band of self-styled "Christians" threatened a woman at Exum, Russ said, adding that it had been turned over to Federal authorities.

The sheriff sought the aid of Federal Postal officials before Christmas, when several persons received threatening letters after Jesse Cox, 66-year-old farmer, and Will Inman, of Freeland, were lured from their homes Thanksgiving night. Inman and Cox said the band carried them to a wood, flogged them and then held a prayer service over their welt-marked forms.

Russ said he would not be surprised if the recent letters—he said he knew of two in addition to that addressed to the woman whose name he would not divulge—presaged a new outbreak of the series of floggings which began in June, 1936.

Just how many floggings have been committed in this area in recent years could not be learned. Investigators last year pointed out that it was frequently some weeks after such an event before it came to light, and that there may have been cases where the victims, under dire threats, never revealed the attacks on them.

The floggers have been reported active in Brunswick and Columbus counties, in North Carolina, and just across the line in Horry County, South Carolina.

TWO ARRESTS AROUSE

HOODED MOB VICTIMS

SHALLATTE, N. C., Feb. 21.—(P)—Sheriff J. A. Russ said here tonight that high feeling aroused since arrest of two flogging suspects was expected to provide him with evidence clearing up a two-year reign of terrorists in this and adjoining counties.

The sheriff said residents of Hickman's Crossroads, a number of whom had received threatening letters signed "AAA" from a self-styled band of "Christians," were coming forward with evidence which he expected to result in a number of additional arrests within a very short time.

REPORT KKK ACTIVITY IN HARNETT COUNTY

Greensboro Daily News

Disorder At Negro's Home Is
Thought to Be Outgrowth
of Kidnaping Charge.

Oct. 30 — 1937
OFFICERS CALLED OUT

(Special to Daily News)

Dunn, Oct. 29.—Ku Klux Klan activities were reported in Harnett county today for the first time in several years when an alleged demonstration took place at the home of Ed Covington, aged and highly respected negro tenant farmer. The reported activity was thought to be the result of kidnaping charges preferred against Shep Hammond, well known Harnett farmer, earlier in the week by Covington.

Hammond was bound over to Superior court under \$3,000 bond. He also is charged with assault, aiding and abetting and conspiracy with intent to kill.

Officers were called to the negro's home last night, and it was reported trouble still was brewing today. Attorney C. L. Guy, of this city, declared today he was positive the disorder was the work of the Klan.

The lawyer said he understood from Covington that several carloads of white men, who declared they were members of the hooded order, went to the negro's home and caused members of his family to flee to the woods, with threats of violence.

No arrests were made by the sheriff's office, but the investigation continued.

Klu Klux Klan — 1937

Ohio.

NEGROES WELCOME TO JOIN, REPORT

Continued

AKRON, O., March 11—
(By Edward S. Brown for
ANP)—Presence of a secret
vigilante group, which claims
100 members in Akron, was re-
vealed here last week as the or-
ganization offered to assist local
enforcement officers in a war on
crime and *bootlegging*.

At the same time it was reported
that this group, known as the
Northeast Ohio Protective associa-
tion affiliated with a similar Penn-
sylvania group which has mem-
bership dues of \$1 a year with
a 50-cent annual convention levy,
would accept Negro members. It
is now composed of Akron's best
white citizens.

This society, organized in ac-
cordance with State laws which
permite groups of 15 or more cit-
izens to form an organization and
detain persons caught in the act
of committing felonies, intends to
help clean up bootlegging and
gambling.

Members have also promised
colored citizens to help eliminat-
the cheapness of Negro life in
Akron. Because of this, many lead-
ers who have been trying to ac-
complish the same thing, have
expressed a willingness to co-op-
erate with the vigilante group.

Ku Klux Klan - 1937

Ohio.

Ku Klux Klan New Issue In Cleveland Politics

CLEVELAND. — (ANP) — Alderman Stephen E. Craig, Negro Democrat from the eighteenth ward here, charged Director of Public Service Miles E. Evans, campaign manager for Mayor Harold H. Burton, with being a member of the hated Ku Klux Klan, at city council meeting here Tuesday night.

The meeting was near adjournment when Councilman Craig rose to charge that Evans recently had threatened Negro relief clients, saying that they would get no more relief unless they voted for Burton.

Members sat dumb as he spoke of the Klan charges against Justice Black and then went on to say there were rumors in Cleveland that the "same high official in the administration" who made the alleged relief threat had been a member of the Klan.

Cleveland 4

CLEVELAND, Sept. 30. — (ANP) — Alderman Stephen E. Craig, Negro Democrat from the 18th ward here, charged Director of Public Service Miles E. Evans, campaign manager for Mayor Harold H. Burton, with being a member of the hated Ku Klux Klan, at city council meeting here Tuesday night.

The meeting was near adjournment when Councilman Craig rose to charge that Evans recently had threatened Negro relief clients, saying that they would get no more relief unless they voted for Burton. Members sat dumb as he spoke of the Klan charges against Justice Black and then went on to say that there were rumors in Cleveland that the "same high official in the administration" who made the alleged relief threat had been a member of the Klan.

The councilman directed his attack against Evans, when last week at a political meeting, Evans is reported to have said: "The great White Father in Washington is not taking care of you people any more. Relief is up to the city and you had better be careful how you vote this fall."

Denying that he has ever been associated in any way with the Klan, Evans charged that "certain elements" in the current mayoralty campaign "have stooped to the lowest form of political trickery and villification" in their efforts to beat Burton.

Later in the day the campaign manager issued this statement: "I had known for some weeks of a whispering campaign aimed directly at me, but indirectly at the mayor, which has implied that I am or have been a member of the Ku Klux Klan. In their desperate search to find an issue to discredit Mayor Burton, certain elements stooped to the lowest and most discreditable form of politics, namely the stirring up of racial and religious prejudice."

Quite obviously angered by Craig's speech, Burton said he would ask his manager to come before the city council and state under oath whether the rumor was true. Evans could not be reached at the time, however, and the Council adjourned without any word from him.

Evans claims that the relief situation is and will be administered fairly and justly, without any reference to political considerations but failed to make known the facts leading up to the picket-line that formed in front of the relief office at East 5th and Woodland, known as the Wilson district, last Monday. The relief clients there stated that "they didn't want any who wouldn't accept the things handed out them by the relief agents."

They claim that agents of the office threatened to lay off the WPA workers and then give them "old worn-out garments" instead of the usual new things. They also said "the garments need cleaning and are badly in need of other repairs."

Evans challenged the motives of Councilman Craig in giving currency to this report, especially at a time like this. He also stated that he has never been associated in any way with the Ku Klux Klan.

An investigation has been instituted to determine the truthfulness of the councilman's accusation.

Toledo Klan Can't Parade 'Under Sheets'

TOLEDO, Nov. 19.—The ominous threat of 35,000 members of the CIO was recalled here, Monday, when Police Chief Ray Allen refused the local Ku Klux Klan, headed by William Cahill, a permit to parade in hoods, on November 20. The chief of police stated that he would consider issuing a permit, if the parade were to be held during the day time and the members were to march unhooded. Cahill contended that the parade must be at night

Klu Klux Klan - 1937

Ohio.

"LEAVE TOWN," NEGRO WARNED

KLAN LETTER REVEALS REVIVAL IN MIDWEST

Ex-Kleagle, by Error, Sends 1
to a Toledoan—'Absolute
Secrecy' Is Demanded

Special to THE NEW YORK TIMES.

TOLEDO, Ohio, Oct. 1.—The Ku Klux Klan is being revived in Ohio, Michigan and Indiana, with Toledo as regional headquarters, according to a letter from William E. Cahill, former Kleagle, sent to a Toledoan who apparently has the same name as a former Klansman.

The letter summoned back all former Klansmen as part of the national reorganization of the order.

CINCINNATI, O., Aug. 12. — (ANP) — Ku Klux Klansmen of Sharonville, a suburb of Cincinnati, burned a huge cross and threatened Motorcycle Patrolman Lloyd Lape early Saturday in an attempt to force Hunter Cole, Negro, to leave the village. He is the first Negro to live in Sharonville.

The blazing cross, 20 feet high and nine feet wide, was visible all over the hamlet. It was erected on a hill top. Near the flaming cross was a large sign reading: "Last warning for the 'n—r' cook to leave town."

There have been several demonstrations. Cole is employed by Mrs. Noah Strawser, white, at a restaurant. She stated emphatically she was not to be intimidated and her cook, who has worked for her three months and has sleeping quarters in the upper portion of the building, would stay.

Upon returning to his home Saturday morning, Officer Lape found a letter beneath his door with the penciled message, "Police, don't mix up in this night stuff or you will be next."

A few days before demonstrators had broken windows in Strawser's restaurant and left placards ordering Cole to leave town.

"You are requested especially to maintain absolute secrecy and talk to no one," the letter said. "Do not telephone. The phone will not be answered." "As additional precaution to secrecy and in silence, your name has been written in indelible ink across the face of this letter. You are requested to destroy the letter immediately."

The letter said original charter sheets on file in Toledo show the original signature of the recipient of the letter and gives the registration number.

"Reorganization is under way throughout the entire nation," it read.

Across the bottom are the words, "Communism . . . Not Be Tolerated."

The letter said that a tri-State convention and parade will be held in Toledo in the near future.

Efforts to reach Mr. Cahill at his headquarters were unavailing. A reporter was not permitted to go to the Cahill suite on the fifth floor and an attempt to reach him by telephone also failed.

Mr. Cahill recently suffered a political defeat when the city voted down his attempt to substitute the ward council for the present proportional representation system of government.

10-2-37

How many?

John

Ku Klux Klan - 1937

Pennsylvania

Fiery Cross Burned Near His Home

PITTSBURGH, Sept. 24 (AP) —

—A fiery cross was burned early today near the home of Ray Sprigle, Pittsburgh newspaper reporter who exposed the relationship between Supreme Court Justice Hugo L. Black and the Ku Klux Klan.

Sprigle was not at home and his wife was unaware of the demonstration. An imitation tombstone near the cross bore this inscription: "Kastigate the kallous ka-luminator—Ray Sprigle."

Pennsylvania Kluxers

Rally Behind President

In Black Controversy

YORK, PENN., Sept. 19. — (AP) —

White-robed delegates of the Ku Klux Klan in Pennsylvania voted in State convention yesterday to support President Roosevelt in the controversy over his appointment of Senator Hugh L. Black to the Supreme Court.

At the close of an all-day "klorero" or business session, the klansmen and women also decided to continue their drive to restrict immigration and to fight all radicals "isms" in the United States.

The grand dragon, who declined to divulge his identity except to say he was a southeastern Pennsylvania businessman, was the spokesman for the convention. He announced at noon that a statement on the Black incident would be issued at the close of the conclave.

Fiery Cross

Warns Author

Of Black Story

PITTSBURGH. — (ANP) — The Ku Klux Klan apparently took official notice of the recent expose linking Alabama's Senator Black with the hooded order, when, early last Friday morning a big, fiery cross was set ablaze near the farm home of Ray Sprigle, famed Pittsburgh newspaperman who unearthed the data and wrote the series of articles associating the Supreme Court Justice with the Klan.

Besides the cross stood a wooden pillar on which were painted the warning: "Kastigate the kallous ka-luminator Ray Sprigle." The newspaperman was not at home at the time

of the incident and his wife, likewise was unaware of the demonstration.

Klan Bobs Up Again in Penna.

(Special to the AFRO)

YORK, Pa. — The Ku Klux Klan is again stirring in Pennsylvania. Hundreds of heretofore inactive Klansmen convened here last week and registered to hear an address by the grand dragon of Pennsylvania, under auspices of York Klan No. 304, Realm of Pennsylvania, Invisible Empire of the Ku Klux Klan.

The conclave was held in an old school building at 27 E. Seventh Avenue, North York.

It was reported that the grand dragon gave "an impressive address against communism and on pro-Americanism."

Klan members from Harrisburg, Columbia, Hanover, Lancaster and many other points in Pennsylvania attended the meeting.

Greenville, S. C. News
June 8, 1937

Charleston, S. C. News & Courier
October 16, 1937

KU KLUX ATTACKS LETTING NEGROES GO INTO THEATRE

Issues Protest Against Plan
In Effect After New House
Is Opened

INFORMS MANAGEMENT

Poinsett Klan No. 26 of the Ku Klux Klan yesterday issued a protest against a plan to seat negroes in a special balcony of the new Center theatre to be opened here soon.

Declaring that the Ku Klux Klan stands for "the eternal maintenance of white supremacy and the segregation of the races," the Klan declared in formal resolutions that "the seating of negroes and white people in the same theatre will tend to destroy white supremacy in Greenville in that negroes will be thus led to an attitude of equality if not to an attitude of superiority."

SEES RACE TROUBLE

The resolutions went on to say that "such an arrangement will create fertile soil for racial trouble in Greenville and such an arrangement is not necessary to furnish negroes in Greenville with entertainment inasmuch as the negroes have their own theatre."

The Klan declared "that we hereby urgently request the management of the theatre referred to above, for the sake of white supremacy and racial peace in Greenville, to cancel plans calling for such an arrangement." It added "we do hereby call upon the white citizenship of Greenville to stand forth against such an arrangement and to protest such a plan being put into operation in Greenville."

RESOLUTIONS MAILED

The resolutions were dated May 26, 1937, but a copy was not mailed to the theatre management until yesterday.

Dick Lashley, city manager here for the company which will operate the theatre, said last night that negroes would be admitted to the theatre from a Brown street entrance separate from others and would be segregated to the same extent as in other theatres of the south.

What We Bargained for

Evidence is wanting that Ku Klux burned the "fiery cross" near the PWA settlement for negroes in Charleston last Thursday night. Any gang may garb themselves as Ku Klux, burn fiery crosses or commit crimes. That exactly is the objection of The News and Courier to hooded orders of politics or reform. If they are good they cannot protect themselves from a bad name, and if they are bad all men are at disadvantage because their faces are hidden.

In this PWA settlement for negroes the federal government has a property interest, the principal interest. The fiery cross presumably was burned with the object of intimidating.

We Southerners have invited the federal

government to come to "our midst" and spend money (our own money). The people have welcomed it. There is proud rejoicing over its works. The News and Courier has objected to this interlacing, of intimate character, of the state and federal governments, but it is considered "reactionary".

One supposes that the Washington government will feel in duty bound to protect its property in South Carolina, Hawaii and elsewhere. If it shall rent houses it will protect its tenants as long as they are well behaved. The federal government has its own courts, marshals, and, finally, an army. Against the real Ku Klux sixty-seven years ago it used its army. The people of York remember the colonel sent them. It can use its army again.

The News and Courier would have, in this time of peace and quiet, no defence for a Ku Klux Klan or other masked body, even if the rights of the state were supreme in enforcement of the common law.

Now the federal government has so many stakes in the state that it will have no difficulty in finding legal ground to "crack down" on Ku Klux or others. That it may do in a Roosevelt administration or a future administration.

That is what we have got. That is what we bargained for. We voted for it.

There are numerous and able negroes who vote in the North. They have wealthy friends. Men like Farley, Earle, Wagner, Guffey are their political friends. The president is their political beneficiary.

These negroes are watching the South. The incident in Charleston last Thursday night will have their attention.

When these houses were built for negroes

were we not thereby paid a price? Of course Mr. Roosevelt's government will protect tenants from intimidation. The "G-men" may be employed.